



Contra Costa County Office of the Sheriff

Investigating Officers:

Sergeant D. Hall

Sergeant D. Muse

Document Prepared by:

Sergeant D. Muse

Internal Affairs 2016-070

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Complainant: Administrative

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Involved Employee: Deputy Chad MacDonald

Final Disposition

Allegation	Final Disposition
Use of Force – Excessive Force	EXONERATED
Report Writing	SUSTAINED

Involved Employee: Deputy Kevin Eierman

Final Disposition

Allegation	Final Disposition
Use of Force – Excessive Force	EXONERATED

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Involved Employee: Deputy Amy Foster

Final Disposition

Allegation	Final Disposition
Use of Force – Excessive Force	<i>EXONERATED</i>

Involved Employee: Sergeant Rudy Oest

Final Disposition

Allegation	Final Disposition
Report Review	<i>SUSTAINED</i>

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Recommended Findings

Name	Allegation	Recommended Finding
Deputy MacDonald	Use of Force – Excessive Force	<i>Exonerated</i>
	Report Writing	<i>Sustained</i>

Name	Allegation	Recommended Finding
Deputy Eierman	Use of Force – Excessive Force	<i>Exonerated</i>

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Name	Allegation	Recommended Finding
Deputy Foster	Use of Force – Excessive Force	<i>Exonerated</i>

Name	Allegation	Recommended Finding
Sergeant Oest	Report Review	<i>Sustained</i>

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Witness List

Deputy D. Hadley
Contra Costa County Office of the Sheriff

Deputy M. Lewis
Contra Costa County Office of the Sheriff

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Attachments

- 1) Transcript of Deputy Hadley's interview, dated November 17, 2016.
- 2) Transcript of Deputy M. Lewis' interview, dated November 17, 2016.
- 3) Transcript of Sergeant Oest's interview, dated December 7, 2016.
- 4) Transcript of Deputy Eierman's interview, dated December 21, 2016.
- 5) Transcript of Deputy Foster's interview, dated December 21, 2016.
- 6) Transcript of Deputy MacDonald's interview, dated December 21, 2016.
- 7) Transcript of Deputy Eierman's interview, dated January 31, 2017.
- 8) Transcript of Deputy MacDonald's interview, dated February 8, 2017.
- 9) An "Assault and Battery Claim" from the Office of Attorney John Burris, received on October 6, 2016.
- 10) Contra Costa County Sheriff's Office report #16-5055, dated April 5, 2016.
- 11) Contra Costa County Sheriff's Office CAD History for incident P160960867, dated April 5, 2016.
- 12) Contra Costa County Sheriff's Office call summary for 1625 4th Street, North Richmond, from January 1, 2014 to November 11, 2016.
- 13) Routing History for report DR #16-5055, printed on December 7, 2016.

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Synopsis

The family of [REDACTED] alleged in a Tort Claim against the Sheriff's Office that on April 5, 2016, Deputies used excessive force against multiple family members when responding to a welfare check. The claim alleged deputies did not provide medical aid and released all of the detained family members without an explanation.

The Sheriff's Office crime report detailed an incomplete investigation into the incident and failed to adequately document the facts surrounding the case and deputies' actions.

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Investigation

On October 13, 2016, I was assigned this case by Lieutenant Vanderlind. I reviewed the following documents associated with this case:

- An Assault and Battery Tort Claim from the Office of Attorney John Burris.

The Assault and Battery Tort Claim was received on October 6, 2016 from the Law Office of John L. Burris. The Claim described an event on April 5, 2016 involving the family of [REDACTED] and the Contra Costa County Sheriff's Office. The Tort Claim was filed on behalf of [REDACTED] and [REDACTED] and named Deputies C. MacDonald, Kevin Eierman and Amy Foster.

The Tort Claim misrepresents the "Agency" on the face page by stating, "For the purpose of this claim, "Agency" is defined by and refers to the municipal, county, or state entity, which governs the "San Francisco Police Department."

As a summary, the Tort Claim stated Sheriff's Deputies arrived at the home of [REDACTED] and detained various members of his family. The Tort Claim alleged Sheriff's Deputies used excessive force during the incident and caused a jaw fracture to his son [REDACTED]. The Tort Claim also alleged the Sheriff's Deputies did not make an arrest and failed to provide medical assistance to the injured family members.

See attachment #7

On October 13, 2016, I reviewed the following report associated with this case:

- Contra Costa County Sheriff's Office Crime Report #16-5055, written on April 10, 2016.

Contra Costa County Sheriff's Office Crime Report #16-5055 (attachment #8) was written on April 10, 2016 by Deputy MacDonald. The report was approved by Sergeant Oest on April 12, 2016. The report was classified as Misdemeanor Obstruction/Resisting. Two supplemental reports were written on April 11, 2016 by Deputies Foster and Eierman. The supplemental reports were approved by Sergeant Oest on April 12, 2016.

Deputy MacDonald documented on April 5, 2016 at 1718 hours, he was dispatched to a welfare check at 1625 4th Street #B in North Richmond. Deputy MacDonald wrote the welfare check was for a family dispute involving a possible mentally challenged juvenile.



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While enroute to the address, Deputy MacDonald was informed by dispatch the call had become a domestic violence incident. Deputy MacDonald responded code three and arrived on scene with Deputy Foster and her trainee, Deputy Eierman.

Deputy MacDonald wrote he contacted a male in front of the residence, whom he later determined to be SUS1 for the remainder of his report. Deputy MacDonald wrote SUS1 was agitated and confrontational, causing Deputy MacDonald to believe SUS1 was going to attack Sheriff's Deputies. Deputy MacDonald attempted to detain SUS1 and became physically involved with him. During the confrontation, Deputy Eierman assisted Deputy MacDonald with taking SUS1 to the ground and together they attempted to place him into handcuffs.

During the physical altercation with SUS1, [REDACTED] attempted to intervene by yelling and trying to push deputies off SUS1. Deputy MacDonald instructed [REDACTED] to back up and he failed to comply, which delayed Deputy MacDonald in handcuffing SUS1. Deputy Foster intervened and attempted to protect Deputy MacDonald and Deputy Eierman from the growing crowd while they were on the ground struggling with SUS1. Deputy MacDonald wrote Deputy Eierman called for code three cover.

Deputy MacDonald wrote SUS1 was successfully handcuffed and while still in the prone position, his eleven-year-old brother, [REDACTED] jumped on SUS1's back. In response to the actions of [REDACTED] Deputy MacDonald placed [REDACTED] in a twist lock control hold and handcuffed him.

Deputy MacDonald wrote while he controlled [REDACTED] SUS1 was stood up by Deputies Eierman and Foster and walked toward a patrol vehicle. While Deputies Eierman and Foster were trying to put SUS1 in the patrol vehicle, [REDACTED] began to interfere by attempting to impede Deputy Eierman. Deputy MacDonald wrote Deputy Eierman pulled out and pointed his department issued Taser at [REDACTED] who ran into his home and locked the metal security screen.

Deputy MacDonald contacted [REDACTED] at his security screen and asked him to step out of the home and speak to him. [REDACTED] began to interfere with Deputy MacDonald's investigation and he placed [REDACTED] in handcuffs and detained her in a patrol vehicle.

Deputy MacDonald wrote Deputies Hadley and Lewis, along with [REDACTED], arrived and attempted to assist. Deputy MacDonald was unable to convince [REDACTED] to exit his home. Deputy MacDonald wrote an unknown Deputy released SUS1 prior to Deputy MacDonald being able to interview or identify him. Deputy MacDonald wrote he was unable to communicate with [REDACTED] because she spoke only in Spanish to him. Deputy MacDonald wrote he interviewed [REDACTED] and determined he was not injured



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during his detention nor a victim of a battery. Deputy MacDonald wrote [REDACTED] did not meet the requirements for a 5150 - 72-hour mental health hold.

Deputy MacDonald wrote [REDACTED] was offered medical and released. Deputy MacDonald wrote SUS1, who was still at the scene, continued to agitate from behind the steel gate of his residence. Deputy MacDonald offered SUS1 medical and he refused. Deputy MacDonald wrote [REDACTED] said he did not require medical attention and was released to his parents.

Deputy MacDonald wrote he was unable to take photographs of the involved parties and Probable Cause existed to arrest SUS1 and [REDACTED] for PC 148(a)(1).

Deputy Eierman wrote in his supplemental report he responded code three to a report of an eleven-year-old juvenile screaming for help. Deputy Eierman wrote he arrived and observed Deputy MacDonald speaking to an agitated male, known in the report as SUS1. Deputy Eierman described SUS1 as walking back and forth with balled fists while breathing heavily. Deputy Eierman said Deputy MacDonald ordered SUS1 to sit down and SUS1 said, "Fuck you man, I will fight you too." Deputy Eierman said he assisted Deputy MacDonald by taking SUS1 to the ground.

Deputy Eierman wrote [REDACTED] jumped on SUS1 and stopped deputies from detaining SUS1. While Deputy MacDonald handcuffed [REDACTED] Deputy Eierman stated multiple family members began to intervene and the situation had become an officer safety issue. Deputy Eierman called for code three cover and displayed his Taser towards [REDACTED] and assisted with detaining [REDACTED]

Deputy Eierman attempted to get statements from SUS1 and [REDACTED] and they refused to cooperate.

Deputy Foster wrote in her supplemental report she covered Deputy MacDonald along with her partner, Deputy Eierman. Deputy Foster wrote she instructed Deputy Eierman to respond code three because dispatch advised they heard a juvenile scream.

Deputy Foster arrived and saw SUS1 in an agitated state in front of the residence. Also in front of the residence was a female juvenile who was hysterical and screaming. Deputy Foster attempted to calm the female juvenile down when she saw SUS1 refused to comply with Deputy MacDonald. Deputy Foster's attention was diverted by the unknown female pleading and grabbing her arm.

Deputy Foster wrote she saw [REDACTED] run directly at Deputies MacDonald and Eierman, who were on the ground attempting to handcuff SUS1. Deputy Foster wrote she



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intervened and grabbed [REDACTED] by his shirt, keeping him away from Deputy MacDonald. Deputy Foster wrote other family members began to surround the Sheriff's Deputies and Deputy Eierman called for code three cover.

Deputy Foster wrote she saw [REDACTED] run hysterically out of his home and lay his body on SUS1. Deputy Foster wrote Deputy MacDonald placed [REDACTED] into handcuffs. Deputy Foster wrote AMR was called to assess any possible injuries. [REDACTED] and [REDACTED] were contacted to ascertain why Sheriff's Deputies were originally called to the residence.

Deputy Foster concluded her supplemental report by writing [REDACTED] did not fit the 5150 requirements. Deputy Foster also wrote [REDACTED] and [REDACTED] refused to speak to Deputy MacDonald and all family members were extremely uncooperative.

On October 14, 2016, I sent a formal notice to Deputy MacDonald notifying him he was the subject of an administrative investigation. Deputy MacDonald responded via email that he read and understood the formal notice.

On October 14, 2016, I sent a formal notice via email to Deputy Eierman notifying him he was the subject of an administrative investigation. Deputy Eierman did not respond due to him being off work for a work-related injury.

On October 14, 2016, I sent a formal notice to Deputy Foster notifying her she was the subject of an administrative investigation. I spoke to Deputy Foster on the phone and she said she understood the formal notice.

On November 8, 2016, I contacted the law firm of Attorney John L. Burris and requested to speak to the legal representative of the [REDACTED] and his family. I did not receive a call back.

On November 10, 2016, I called the law office of John L. Burris and spoke to a receptionist named Max, who informed me Attorney Lateef Gray was assigned the Lopez Preto family case against Contra Costa County Sheriff's office. I requested a call back.

On November 14, 2016, I sent a request to the Sheriff's Office Communications Center and received the following:

- The dispatch log and the 911 call associated with this incident CAD detail history for Police Incident #P160960867. (attachment #9)



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- A call summary for all calls for service related to 1625 4th Street, North Richmond from January 1, 2014 to November 10, 2016. (attachment #10)

Dispatch Supervisor Erinn Riley provided me with a certificate stating the Audio Tape was not available. The date of the incident was more than 180 days from the request of the audio file and the system had purged the dispatch tape.

I was provided with a disc of the 911 calls, which the system did not purge. I listened to the audio CD and compared it to the certified detailed history provided by Supervisor Riley.

The first call was from a juvenile female, who requested police for her brother, who was suffering from a mental problem. The caller said her brother was unable to calm down. The female juvenile said her mother only spoke Spanish and the sounds of a boy crying were loudly heard.

A second recorded call appeared to be a young child crying. The child, who identified himself as [REDACTED] said his father hit him on his "bottom" with a belt. The dispatcher could hear adult voices in the background and right before [REDACTED] was cut off, he made a loud crying sound and the call disconnected.

A third recorded call was received from an adult male, who said his son was suffering from a mental breakdown. The dispatcher could hear a boy crying and screaming in the background. The adult male said the Sheriffs had arrived and he hung up with dispatch.

The telephone calls and times associated were reflected in the CAD detail history for Police Incident #P160960867

I reviewed the provided call summary for all calls for service related to 1625 4th Street, North Richmond from January 1, 2014 to November 10, 2016. (attachment #10) I saw a total of seventeen calls classified as 415V, 5150, 911UNK, 601, 1744 and 243.

April 6, 2016, call #P160971072 was from the Kaiser Sacramento Call Center and the Nurse reported the father at 1625 4th Street advised Kaiser he was injured in a physical with deputies who had come out to 5150 his juvenile son. The Nurse described the father as having bruises and swelling. The call was routed to Lieutenant Yates and he cleared it on a contact.

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On November 16, 2016, I called the law office of John L. Burris and left a voice mail with Attorney Lateef Gray, requesting a call back.

On November 17, 2016, I spoke to County Counsel Monika Cooper and she advised me not to contact the family at their residence for a statement, or to request them to sign a medical release form. Monika Cooper advised me to seek permission from the family attorney before contacting them.

On November 17, 2016, I spoke to Investigations Sergeant Brandon Garry, who informed me case 16-5055 was closed by Detective Chris Ellis on April 21, 2016. The case was NCF'd in the interest of justice. A notation was made which stated the suspect was not actively resisting.

On November 17, 2016, Sergeant Hall and I interviewed Deputy Hadley at Internal Affairs. For a complete transcription of the interview, see attachment 1.

On November 17, 2016, Sergeant Hall and I interviewed Deputy Lewis at Internal Affairs. For a complete transcription of the interview, see attachment 2.

On November 22, 2016, I sent a formal notice to Sergeant Oest notifying him he was the subject of an administrative investigation. I spoke to Sergeant Oest on the phone and he said he understood the formal notice.

On November 23, 2016, I sent a second formal notice to Sergeant Oest notifying him the date of his Internal Affairs interview was set for December 7, 2016. Sergeant Oest acknowledged he understood the formal notice via email.

On December 1, 2016, I sent a formal notice to Deputy Eierman notifying him he was the subject of an administrative investigation. Deputy Eierman responded via email and phone that he read and understood the formal notice.

On December 7, 2016, Sergeant Hall and I interviewed Sergeant Oest at Internal Affairs. Present at the interview to represent Sergeant Oest was RLS Attorney Julia Fox.

I gave Sergeant Oest an advisement of rights and administrative admonishment form. Sergeant Oest signed the form, acknowledging he had read and understood it. For a complete transcription of the interview, see attachment 3.

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On December 7, 2016, I met with Informational Systems Programmer Analyst Ali Azzi at Tech Services to discuss the discrepancy detailed in Sergeant Oest interview regarding the routing matrix for report #16-5055.

I showed Azzi the printed reports associated with DR #16-5055 which I received from Sergeant Oest. The report printed by Sergeant Oest was distributed to the "Patrol Captain, Muir Station, Misdemeanor Complaints Deputy, HSU/IPT, General Investigations Sergeant and Bay Station."

I showed Azzi the report I printed from my ARS account, which showed a distribution list of "Misdemeanor Complaints Deputy and Bay Station" for Deputy MacDonald's primary report and Deputy Foster's supplemental report. For Deputy Eierman's supplemental report, the distribution box showed "Patrol Captain, Muir Station, Misdemeanor Complaints Deputy and Bay Station."

I asked Azzi to explain how Sergeant Oest's printed copy of report DR #16-5055 contained a different distribution list in the routing box from the same report I printed. Azzi told me the ARS system received an update on October 6, 2016. Azzi further stated he conducted a system wide update, bringing the changes to the entire system on November 30, 2016.

Azzi said the update affected the distribution list available to shift supervisors. Prior to October 6, 2016, the distribution box for sending a report to the Patrol Captain was sent to [REDACTED]. After October 6, 2016 and November 30, 2016, the Patrol Captain received reports at [REDACTED]. The change was the removal of the (-) between Patrol and Captain. ARS was unable to read the address [REDACTED] from the report written prior to October 6, 2016, therefore failing to portray "PATROL CAPTAIN" in the distribution box when the report was printed after the update went into effect.

Azzi gave me a printed copy of the distribution list for report DR #16-5055, which clearly showed Sergeant Oest distributed the report to the Patrol Captain per policy. (Attachment #11)

On December 14, 2016, I sent a second formal notice to Deputy MacDonald notifying him the date of his Internal Affairs interview was set for December 21, 2016. Deputy MacDonald and his RLS Attorney Doug Foley acknowledged the scheduled time of his interview.

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On December 14, 2016, I sent a second formal notice to Deputy Eierman notifying him the date of his Internal Affairs interview was set for December 21, 2016. Deputy Eierman and his RLS Attorney Doug Foley acknowledged the scheduled time of his interview.

On December 14, 2016, I sent a second formal notice to Deputy Foster notifying her the date of her Internal Affairs interview was set for December 21, 2016. Deputy Foster and her RLS Attorney Doug Foley acknowledged the scheduled time of his interview.

On December 21, 2016, Sergeant Hall and I interviewed Deputy Eierman at Internal Affairs. Present at the interview to represent Deputy Eierman was RLS Attorney Doug Foley.

I gave Deputy Eierman an advisement of rights and administrative admonishment form. Deputy Eierman signed the form, acknowledging he had read and understood it. For a complete transcription of the interview, see attachment 4.

On December 21, 2016, Sergeant Hall and I interviewed Deputy Foster at Internal Affairs. Present at the interview to represent Deputy Foster was RLS Attorney Doug Foley.

I gave Deputy Foster an advisement of rights and administrative admonishment form. Deputy Foster signed the form, acknowledging she had read and understood it. For a complete transcription of the interview, see attachment 5.

On December 21, 2016, Sergeant Hall and I interviewed Deputy MacDonald at Internal Affairs. Present at the interview to represent Deputy MacDonald was RLS Attorney Doug Foley.

I gave Deputy MacDonald an advisement of rights and administrative admonishment form. Deputy MacDonald signed the form, acknowledging he had read and understood it. For a complete transcription of the interview, see attachment 6.

On January 31, 2017, Sergeant Hall and I conducted a follow up interview with Deputy Eierman at Internal Affairs. Present at the interview to represent Deputy Eierman was RLS Attorney Doug Foley.

I gave Deputy Eierman an advisement of rights and administrative admonishment form. Deputy Eierman signed the form, acknowledging he had read and understood it. For a complete transcription of the interview, see attachment 7.

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On February 8, 2017, Sergeant Hall and I conducted a follow up interview with Deputy MacDonald at Internal Affairs. Present at the interview to represent Deputy MacDonald was RLS Attorney Doug Foley.

I gave Deputy MacDonald an advisement of rights and administrative admonishment form. Deputy MacDonald signed the form, acknowledging he had read and understood it. For a complete transcription of the interview, see attachment 8.

Statement of Deputy Hadley

On November 17, 2016, Sergeant Hall and I interviewed Deputy Hadley at Internal Affairs. For a complete transcription of the interview, see attachment 1. Deputy Hadley has worked for the Office of the Sheriff for fourteen years and was assigned to the Patrol Division.

On April 5, 2016, Deputy Hadley said he was assigned to swing shift at Bay Station. Deputy Hadley said he recalled a call for service at 1625 4th Street in North Richmond. Deputy Hadley said he heard a code three cover call and within a short period, he heard the deputies on scene had cancelled the code thirty-three tones. Deputy Hadley said he arrived on scene and was confused as to whether subjects were fighting with deputies or if someone was outstanding. Deputy Hadley said he arrived to find a group of people in the street and driveway standing around.

Deputy Hadley saw Deputy Foster and her trainee (Deputy Eierman) had a detained a male subject near a patrol car. Deputy Hadley did not recall seeing any obvious signs of injury to the male subject. Deputy Hadley saw AMR was on scene during his time on the call but he cannot recall if they spoke to anyone.

Deputy Hadley said he found Deputy MacDonald at the front of the residence, talking to someone through the locked security screen. Deputy Hadley said he asked Deputy MacDonald what did Deputy MacDonald "have". Deputy MacDonald told him one of the "kids" had fought with him and he also had a possible barricaded subject inside the residence. Deputy Hadley attempted to assist Deputy MacDonald and told him, "Well, he's not a barricaded subject. Let's - let's go out to the street." (**Attachment 1, page 2, line 70 to line 71**)

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Deputy Hadley said he walked out to the street with Deputy MacDonald and saw a young juvenile, estimated to be about fifteen years old, handcuffed. Deputy Hadley said he knew the call for service involved a 5150 juvenile, so he suggested to Deputy MacDonald they remove the handcuffs from the juvenile and place him in the rear of a patrol vehicle. **(Attachment 1, page 2, line 74 to line 75)**

Deputy Hadley said he believed the juvenile in the rear of the patrol vehicle refused medical. **(Attachment 1, page 8, line 328 to line 329)** Deputy Hadley believed Deputy MacDonald released the detained juvenile subject from the rear of the patrol vehicle. Deputy Hadley said he was not on scene for long and left prior to the conclusion of the call.

Statement of Deputy Lewis

On November 17, 2016, Sergeant Hall and I interviewed Deputy Lewis at Internal Affairs. For a complete transcription of the interview, see attachment 2. Deputy Lewis has worked for the Office of the Sheriff for five and a half years and was assigned to the Patrol Division.

On April 5, 2016, Deputy Lewis said he was assigned to swing shift at Bay Station. Deputy Lewis said he was in a Municipal Advisory Committee meeting with Lt. Yates when he was called by Sergeant Oest and informed of the code three cover call. Deputy Lewis said he was a few blocks away from 1625 4th Street in North Richmond and arrived quickly.

Deputy Lewis said he arrived to find two juveniles and one mother detained in handcuffs, still in the street. He asked Deputy MacDonald, "what do we have?". Deputy Lewis said Deputy MacDonald informed him the original call was for, "a kid called and said his dad choked him or something to that extent." **(Attachment 2, page 2, line 88)**

Deputy Lewis said he arrived on scene to find two juveniles and the mother detained. Deputy Lewis said he assisted with placing the detained individuals into separate patrol vehicles. Deputy Lewis said Sergeant Oest and Deputy Hadley arrived shortly afterward and attempted to assist.

Deputy Lewis was asked if he noticed any injuries to the older juvenile (SUS1) and he said, "I think maybe a cut to the lip." **(Attachment 2, page 4, line 160)** Deputy Lewis said



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he did not notice any injuries to the younger juvenile, whom he knew from his previous experience the day before on a [REDACTED] call at the same residence.

Deputy Lewis said he remembered the older juvenile (SUS1) complained of pain to either his shoulder or his wrist, Deputy Lewis could not recall. Deputy Lewis said Sergeant Oest was on scene and Deputy Lewis remembered Sergeant Oest asking if anyone needed medical. Deputy Lewis estimated he was on scene for four or five minutes and said he was confused as to what had taken place.

Deputy Lewis said as the North Richmond Resident Deputy, he had become the primary responder for calls for service at 1625 4th Street. After this incident, Deputy Lewis had multiple contacts with the family and they had not mentioned a lawsuit or any injuries sustained from the April 5, 2016 call. Deputy Lewis said the children acted as translators for the parents during those calls for service. Deputy Lewis said he responded for an uncontrollable juvenile call within a week after April 5, 2016. Deputy Lewis said the call consisted of eleven-year-old [REDACTED] having a mental health type event. Deputy Lewis said [REDACTED] screamed and yelled and he remembered the father did not communicate or cooperate on the call.

Statement of Sergeant Oest

On December 7, 2016, Sergeant Hall and I interviewed Sergeant Oest at Internal Affairs. For a complete transcription of the interview, see attachment 3. RLS Attorney Julia Fox was present to represent Sergeant Oest, who said he received and understood the contents of the Formal Notices I had emailed him. Sergeant Oest also said he understood the Administrative Admonishment and signed the Advisement of Rights Form.

Sergeant Oest has been a member of the Office of the Sheriff for twenty-six years and currently works in Patrol as the day shift supervisor at Valley Station. On April 5, 2016, Sergeant Oest was working overtime as the Bay Swing shift supervisor when a call for service for 1625 4th Street was dispatched. Sergeant Oest remembered the call regarded someone screamed on the phone and he started toward the direction of the call immediately. Sergeant Oest heard the call for code three cover and he arrived after the initial deputies had been on scene for approximately five to seven minutes. Sergeant Oest arrived to find, "pandemonium, lots of people yelling in the streets, a couple people were detained in patrol cars, Patrol cars spread out, spread out all over the street." (Attachment 3, part 1, page 3, line 133 to line 135)

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Sergeant Oest said he remembered a female and a young juvenile boy detained when he arrived. Sergeant Oest said Deputy MacDonald had detained the juvenile, later identified as [REDACTED] for delaying the detention of [REDACTED] older brother (SUS1). Sergeant Oest called [REDACTED] throughout his interview.

Sergeant Oest said Deputy MacDonald told him a seventeen-year-old juvenile was detained and placed in the rear of a patrol car. For the purpose of Sergeant Oest's statement, the seventeen-year-old will be referred to as SUS1. Sergeant Oest was told SUS1 had fought with deputies and had been detained. Prior to obtaining his identity, an unknown deputy released SUS1 from the patrol car. Sergeant Oest said he noticed SUS1 because he yelled, screamed and flipped him off when Sergeant Oest attempted to ask him questions. Sergeant Oest said SUS1 paced back and forth while Deputies made repeated attempts to speak to him.

Sergeant Oest said later in the call, he asked deputies to take pictures for their report. Sergeant Oest was told the involved family members refused to stand and allow deputies to take pictures. Sergeant Oest said he learned from Deputy MacDonald that he did not have a positive ID on SUS1. Sergeant Oest said he weighed the choice of, "having to go hands on for the seventeen-year-old (SUS1) to possibly make him give us his name which that was going to do no good because...Juvenile Hall is not going to take him." **(Attachment 3, part 1, page 11, line 479 to line 485)**

Sergeant Oest said the crowd was about twenty-five individuals, of which ten were estimated to be family. Sergeant Oest said the crowd was hostile and he believed if he would have directed deputies to use force to re-contact SUSP1, it would have "fired that entire crowd right back up." **(Attachment 3, part 1, page 12, line 504)**

Sergeant Oest said AMR was on scene and he believed [REDACTED] was seen by AMR. Sergeant Oest said the scene calmed down but the crowd remained agitated and hostile. Sergeant Oest remembered the detained mother was released and Deputy MacDonald said [REDACTED] did not meet the 5150 criteria. Sergeant Oest said [REDACTED] wanted to return to his family and his parents communicated they wanted [REDACTED] 5150'd. Sergeant Oest said he made several announcements asking the family if they required medical care. Sergeant Oest explained the family did not cooperate with Sheriff's Office personnel. Sergeant Oest said he did not recall if SUS1 sustained any injuries.

Sergeant Oest was asked why it took Deputy MacDonald five days to complete his report. Sergeant Oest said Deputy MacDonald was on overtime on Tuesday, April 5, 2016, when



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the incident occurred. Sergeant Oest said Deputy MacDonald probably wrote the report on his work days because he was assigned as a weekend dayshift deputy. Sergeant Oest said he most likely reviewed the report on the following Monday, April 10, 2016 and signed the reports off on April 12, 2016 after all the supplemental reports were completed. Sergeant Oest did not remember rejecting the report and recalled the report represented the incident as he remembered from his time on scene.

Sergeant Oest remembered, while on-scene, telling Deputy MacDonald to clear the scene and not worry about getting the identity of SUS1. Sergeant Oest said he told Deputy MacDonald to clear because he was concerned with using force to detain SUS1. Sergeant Oest did not remember if he later told Deputy MacDonald to use available resources, including the North Richmond resident deputies, to help him learn the identity of SUS1. Sergeant Oest said he believed it was the primary responsibility of Deputy MacDonald to conduct the proper follow up.

Sergeant Oest said he believed his thought process was the report would have gone into the "Red" if he rejected it back to Deputy MacDonald, due to Deputy MacDonald not returning to work until the following Friday. Sergeant Oest said because his schedule was offset with Deputy MacDonald's schedule, the simple back and forth communication would have been a two-week time lapse.

I asked Sergeant Oest if he recalled Deputy MacDonald wrote in his report how he used his body weight to drive the eleven-year old boy [REDACTED] into the ground after [REDACTED] jumped on his brothers back. Sergeant Oest said [REDACTED] was a large kid and most likely outweighed Deputy MacDonald. Sergeant Oest said he did not question the way Deputy MacDonald wrote how he detained [REDACTED] because of the size of Deputy MacDonald in comparison to [REDACTED]

Sergeant Oest remembered [REDACTED] was detained in the back seat of the SUV, speaking to AMR. Sergeant Oest believed AMR treated or cleared [REDACTED] he was not sure which because [REDACTED] did not have any visible injuries.

Sergeant Oest was asked about the portion of Deputy MacDonald's report where [REDACTED] was interviewed. I told Sergeant Oest that Deputy MacDonald's report said [REDACTED] father grabbed him with enough force to prevent him from breathing. I asked Sergeant Oest if Deputy MacDonald should have been investigating a child abuse case. Sergeant Oest said [REDACTED] had very little credibility because of the way he was communicating with deputies. Sergeant Oest described [REDACTED] whom he knows from

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past experiences as "highly agitated, runs off, yells, confrontational." (**Attachment 3, part 2, page 7, line 287 to line 288**)

After this incident, Sergeant Oest said he directed Deputy Lewis to act as a liaison with the family when Deputy Lewis was on duty and a call for service at 1625 4th Street was dispatched. Sergeant Oest also notified Bay Station deputies he wanted all future responses to 1625 4th Street to be a two-deputy response. Sergeant Oest said since the April 5, 2016 call, he had responded to the address for calls for service and the calls for service did not reach the level of chaos as the April 5, 2016 call. Sergeant Oest also provided line up training the following day regarding this incident and how to handle this type of event.

I provided Sergeant Oest a copy of report 16-5055 and asked Sergeant Oest to look at the routing box. I asked Sergeant Oest if he was aware all "Use of Force" reports were to be routed to the Patrol Captain. Sergeant Oest said he was aware and he provided a printed copy of report 16-5055, which he had printed from his ARS account. Sergeant Oest compared the routing box on the report I printed and the routing box on the report he printed and he pointed out on the report he had printed, the words "Patrol Captain" was typed in the routing box. I collected Sergeant Oest's printed report and informed him I would speak to Tech Services regarding the discrepancy.

Sergeant Oest said he did not remember if he informed Lieutenant Yates about the incident. Sergeant Oest said he would generally brief his Station House Commander when he supervised a call such as the one on April 5, 2016.

Statement of Deputy Eierman

On December 21, 2016, Sergeant Hall and I interviewed Deputy Eierman at Internal Affairs. For a complete transcription of the interview, see attachment 4. RLS Attorney Doug Foley was present to represent Deputy Eierman, who said he received and understood the contents of the Formal Notices I had emailed him. Deputy Eierman also said he understood the Administrative Admonishment and signed the Advisement of Rights Form.

Deputy Eierman has been a member of the Office of the Sheriff for three years and currently works at the Martinez Detention Facility on Blue team. On April 5, 2016, Deputy Eierman was assigned to the patrol training program with FTO Foster and their shift was

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Bay Swing. Deputy Eierman was assigned to beat three and was the cover car for beat four.

Deputy Eierman said he heard Deputy MacDonald dispatched to a call of a report involving a child. Deputy Eierman said when he arrived at 1625 4th Street, the scene was chaotic and he could hear people screaming. Deputy Eierman said he noticed Deputy MacDonald in a verbal altercation with a "larger" male and he responded to Deputy MacDonald to cover him. For the purpose of Deputy Eierman's report, the male subject contacted by Deputy MacDonald will be referred to as SUS1.

Deputy Eierman said Deputy MacDonald had his Taser out and SUS1 was not listening to Deputy MacDonald. Deputy Eierman tried to intervene and take over the contact and SUS1 said, "Fuck you man, I'll fight you too." Deputy Eierman said SUS1 was moving around in an aggravated state and had his fists balled and was breathing heavily. Deputy Eierman said he felt SUS1 was a threat to himself or Deputy MacDonald. Deputy Eierman, along with Deputy MacDonald, conducted a leg sweep and took SUS1 to the ground to detain him.

Deputy Eierman said, once they had SUS1 on the ground and Deputy Eierman kneeled to handcuff him, ten or more people charged toward them from the home. Deputy Eierman said four or five of SUS1's family came within one arms distance away from him and Deputy MacDonald. Deputy Eierman said he felt threatened and he felt the situation was "way out of hand". Deputy Eierman used his portable radio to call for Code three cover. **(Attachment 4, page 5, line 140 to line 165)**

Deputy Eierman was asked if he or Deputy MacDonald struck SUS1 in the face. Deputy Eierman said SUS1 was not struck in the face by Deputy MacDonald nor himself. **(Attachment 4, page 5, line 274 to line 290)**

Deputy Eierman said the force he observed used on SUS1 was Deputy MacDonald used a leg sweep to take down SUS1. Deputy Eierman said he did not see SUS1 land on his face and he was controlled all the way to the ground. Deputy Eierman estimated SUS1 was six-foot-tall and he described him as taller than both Deputy MacDonald and himself. Deputy Eierman later said, at the time, he believed SUS1 was an adult and not a juvenile.

Deputy Eierman believed the Taser was not an appropriate force option to handle SUS1 or the crowd due to the amount of people surrounding him during this incident. Deputy



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Eierman felt the situation required him to attempt to de-escalate the situation and a Taser deployment would have escalated the incident.

Deputy Eierman said one of the family members who charged at Deputy MacDonald and Deputy Eierman was the juvenile, [REDACTED]. Deputy Eierman called [REDACTED] throughout the remainder of his interview. Deputy Eierman said [REDACTED] ran at them in an out of control manner and jumped on the back of the male subject. Deputy Eierman said, "Being that it happened so fast, I do just remember I was worried about taking care of my gun. Because I didn't know what he was doing." (Attachment 4, page 13, line 553 to line 554)

Deputy Eierman said Deputy MacDonald detained [REDACTED] in handcuffs. Deputy Eierman said Deputy MacDonald did not strike or force [REDACTED] face into the ground. Deputy Eierman said as Deputy MacDonald dealt with [REDACTED] Deputy Eierman was focused on SUS1 and the father, known in the reports as [REDACTED].

Deputy Eierman said [REDACTED] intervened with the detention of SUS1. Deputy Eierman said he attempted to explain to [REDACTED] he would speak to him after SUS1 was detained in the patrol vehicle and [REDACTED] failed to listen to him. Deputy Eierman said [REDACTED] grabbed at his arm, causing Deputy Eierman to push [REDACTED] back and point his Taser at [REDACTED]. Deputy Eierman said while he dealt with [REDACTED] SUS1 physically resisted being placed into the patrol vehicle.

Deputy Eierman said he secured SUS1 in his patrol vehicle and assessed the scene. Deputy Eierman said he saw Deputy MacDonald was in a struggle with the mother of the SUS1, identified in the report as [REDACTED]. Deputy Eierman said he assisted Deputy MacDonald with detaining [REDACTED] in handcuffs. Deputy Eierman said additional deputies and Sergeant Oest arrived on scene at this point in the incident.

Deputy Eierman said he was not present when SUS1 was unhandcuffed and released from the rear of the patrol car. Deputy Eierman said he did not know who released SUS1 from the patrol vehicle. Deputy Eierman said he later attempted to try to identify SUS1 by speaking to him. Deputy Eierman said he told SUS1, "hey, can I get your name real quick, just so I can put it in the report?" Deputy Eierman said SUS1 answered, "No, Fuck you, Fuck that." (Attachment 4, page 12, line 515 to line 517)

Deputy Eierman said he spoke to [REDACTED] in the rear of a patrol vehicle after [REDACTED] was detained by Deputy MacDonald. Deputy Eierman was asked if [REDACTED] complained

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of injuries or pain and Deputy Eierman said, "No, he was more worried about his dog."
(Attachment 4, page 13, line 581)

Deputy Eierman said he attempted to interview [REDACTED] and determine why [REDACTED] was originally upset. Deputy Eierman said [REDACTED] told him he lost his dog and the reason he was upset was because no one in the family would help him find his missing dog. Deputy Eierman said [REDACTED] only spoke to him about his lost dog. Deputy Eierman described [REDACTED] as talking about his dog as if Deputy Eierman had met or knew the dog.

Deputy Eierman also said [REDACTED] told him he remembered when Deputy Eierman went to his kindergarten class. Deputy Eierman said he did not go to [REDACTED] kindergarten class and he felt [REDACTED] was developmentally challenged. Deputy Eierman said he saw AMR on scene but he was not clear if AMR treated or spoke to [REDACTED]

Deputy Eierman left [REDACTED] in the rear of the patrol car and assisted Sergeant Oest with attempting to speak to the parents. Deputy Eierman spoke in Spanish to [REDACTED] and [REDACTED] and found them to be extremely uncooperative. Deputy Eierman said the family was upset [REDACTED] was in handcuffs and he described the scene as chaotic with people screaming, "at the top of their lungs." Deputy Eierman said he and Sergeant Oest attempted to explain to the family why [REDACTED] and SUS1 had been detained in handcuffs. Deputy Eierman described his efforts by saying, we "tried to just say, hey, look this is what's going on.... This is why we did, you know, this. And this is why people were put in handcuffs." (Attachment 4, page 20, line 886 to line 890)

Deputy Eierman said Sergeant Oest attempted to communicate to the family using English while Deputy Eierman used Spanish. Deputy Eierman said Sergeant Oest made repeated announcements to everyone on scene, asking if anyone involved required medical attention. Deputy Eierman reiterated the family was uncooperative and [REDACTED] remained behind his driveway metal gate.

Statement of Deputy Foster

On December 21, 2016, Sergeant Hall and I interviewed Deputy Foster at Internal Affairs. For a complete transcription of the interview, see attachment 5. RLS Attorney Doug Foley was present to represent Deputy Foster, who said she received and understood the contents of the Formal Notices I had emailed her. Deputy Foster also said she understood the Administrative Admonishment and signed the Advisement of Rights Form.

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Deputy Foster has been a member of the Office of the Sheriff for ten years and is currently assigned as a Field Training Officer in Patrol. On April 5, 2016, Deputy Foster was assigned to Bay Station Swing shift and Deputy Eierman was her trainee. Deputy Foster said they were assigned to beat three.

Deputy Foster said she heard Deputy MacDonald when he was dispatched to a welfare check which involved a juvenile who was in an argument with his mother. Deputy Foster said they arrived at the residence to find a Hispanic male (SUS1) pacing in front of a closed metal driveway gate. For the purpose of Deputy Foster's statement, the Hispanic male will be referred to as SUS1.

Deputy Foster described SUS1 as agitated, pacing, sweating profusely and highly irritated. Also in the front of the residence was a female, whom Deputy Foster described as the sister, who was crying and screaming uncontrollably.

Deputy Foster and Deputy Eierman contacted the female and she saw Deputy MacDonald contact SUS1. Deputy Foster said, "Deputy MacDonald was being unsuccessful in trying to speak to that first person that he contacted. Um, he kind of, uh, took a bladed stance. His fist were balled. Um, I was pretty confident that he was probably going to possibly physically assault Deputy MacDonald." (**Attachment 5, page 4, line 170 to line 173**)

Deputy Foster said she was held by the crying sister and Deputy Eierman went to cover Deputy MacDonald. Deputy Foster said her attention was drawn to the sister and she did not see Deputies Eierman and MacDonald take SUS1 to the ground. Deputy Foster said she looked over and saw Deputies Eierman and MacDonald on the ground struggling with SUS1.

Deputy Foster said the neighbors and family began to come out to the street. Foster said the father, whom she described as [REDACTED] ran past her and towards Deputy Eierman. Deputy Foster believed she had to protect her partners and she pulled away from the crying female and went to assist. Deputy Foster gave [REDACTED] commands to step back and she had to physically restrain him by pushing him back away from Deputy Eierman.

Deputy Foster said [REDACTED] slightly complied with her orders and she found herself attempting to control the crowd surrounding Deputies Eierman and MacDonald. Deputy Foster estimated the crowd to be ten people and they were an arms distance away from



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the deputies on the ground. Deputy Foster described the crowd as angry and yelling. Deputy Foster said the crowd of people did not listen to her commands to back up and she heard Deputy Eierman call for code three cover.

Deputy Foster said she was in position to see Deputies Eierman and MacDonald attempt to gain control of the hands of SUS1. Deputy Foster said SUS1 was not cooperating and he placed his hands underneath his body. Deputy Foster said Deputies Eierman and MacDonald did not strike or punch SUS1. Deputy Foster said the deputies used defensive tactics to gain control of SUS1's hands. Deputy Foster described SUS1 as having a scrape to his chin and she did not know if he accepted the medical treatment which was offered to him.

Deputy Foster said she saw [REDACTED] run directly toward Deputies Eierman and MacDonald and lay on the back of SUS1. Deputy Foster called [REDACTED] during her interview. Deputy Foster said Deputy MacDonald detained [REDACTED] and she said Deputy MacDonald did not strike or punch [REDACTED]. Deputy Foster said, from what she witnessed, [REDACTED] did not strike his chin or face on the ground. Deputy Foster said [REDACTED] did not complain of any injuries and she later observed him talking without any apparent injury. Deputy Foster said she observed AMR personnel speaking to [REDACTED].

Deputy Foster said she was present when SUS1 was released from the patrol vehicle and unhandcuffed. Deputy Foster said she believed it was Deputy MacDonald who released SUS1, but she was not certain. (Attachment 5, page 9, line 370)

Deputy Foster said Sergeant Oest arrived on scene and contacted Deputy MacDonald. Deputy Foster said Sergeant Oest asked Deputy MacDonald a series of questions to assess the incident. I asked Deputy Foster if she knew SUS1 was released prior to being identified and she said she remembered the family would not provide names or communicate. Deputy Foster described the family as completely uncooperative.

Deputy Foster said Sergeant Oest loudly asked the family, multiple times, if they needed medical attention. Deputy Foster also recalled Deputy Eierman making the same announcements in Spanish. Deputy Foster said a juvenile the age of [REDACTED] cannot refuse medical on his own and she believed Deputy Eierman and Sergeant Oest made several attempts to speak to the parents of [REDACTED] regarding any possible medical needs.



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Deputy Foster said Deputy MacDonald evaluated [REDACTED] for 5150 and determined he did not meet the criteria. Deputy Foster said AMR also evaluated [REDACTED] and asked him the same type of 5150 questions.

Deputy Foster was asked if she spoke to Deputy MacDonald after the incident about the identity of SUS1. Deputy Foster said she believed Deputy MacDonald attempted to use the available resources to try to determine the identity of SUS1. After the shift, Deputy Foster did not speak to Deputy MacDonald and she was not aware of what he did to identify SUS1.

Deputy Foster said she read Deputy Eierman's report prior to his approval. Deputy Foster said Deputy Eierman was a slow report writer but his supplemental report had the information she believed should have been in his report.

Statement of Deputy MacDonald

On December 21, 2016, Sergeant Hall and I interviewed Deputy MacDonald at Internal Affairs. For a complete transcription of the interview, see attachment 6. RLS Attorney Doug Foley was present to represent Deputy MacDonald, who said he received and understood the contents of the Formal Notices I had emailed him. Deputy MacDonald also said he understood the Administrative Admonishment and signed the Advisement of Rights Form.

Deputy MacDonald has been a member of the Office of the Sheriff for six years and is currently assigned Patrol at Valley Station. Deputy MacDonald said he was assigned to Bay Station Gold shift during April of 2016. On April 5, 2016, Deputy MacDonald was assigned to Bay Station Swing shift on overtime as the beat four deputy.

Deputy MacDonald said he was dispatched to a welfare check involving a juvenile who caused a disturbance in the home. Deputy MacDonald said the call was updated to a possible battery. Deputy MacDonald responded and saw a young Hispanic male (SUS1) walking away from the residence. For the purpose of Deputy MacDonald's statement, the Hispanic male will be referred to as SUS1.

Deputy MacDonald said he contacted SUS1 and noticed he was agitated and looked as if he had been involved in a physical altercation. Deputy MacDonald said he instructed SUS1 to stop and sit down. Deputy MacDonald said SUS1 refused and told him, "Fuck you, I'll fight you right here." (**Attachment 6, page 3, line 124 to line 134**)



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Deputy MacDonald said he ordered SUS1 to turn around and place his hands behind his back. Deputy MacDonald said SUS1 refused and raised his balled fists in an aggressive manner. Deputy MacDonald said Deputy Eierman arrived on scene and both attempted to detain SUS1. Deputy MacDonald said he took control of SUS1's left arm while Deputy Eierman took control of SUS1's right arm. Deputy MacDonald said SUS1 struggled against both deputies and they took him to the ground and placed him into handcuffs. **(Attachment 6, page 4, line 171 to line 180)**

Deputy MacDonald estimated SUS1 was the same height and weight as himself, and he said he had control of SUS1 all the way to the ground and did not release him as he conducted a leg sweep. **(Attachment 6, page 5, line 209 to line 215)**

When SUS1 was taken to the ground, he continued to struggle against Deputy MacDonald by moving from side to side. Deputy MacDonald said he did not strike SUS1 nor did SUS1 strike his face on the ground. **(Attachment 6, page 4, line 171 to line 180)**

Deputy MacDonald said when they had SUS1 in handcuffs and he was still down on the ground [REDACTED] ran up to Deputy MacDonald and yelled, "You have the wrong son." Deputy MacDonald said he told [REDACTED] to back up and Deputy Foster intervened to keep Lopez away.

Deputy MacDonald said several people exited the homes and one subject, the juvenile [REDACTED] jumped on the back of the detained SUS1 as he was lying in the prone position. Deputy MacDonald called [REDACTED] during his interview. Deputy MacDonald said he was in the kneeling position and he used his forward momentum to control and detain [REDACTED] in handcuffs. Deputy MacDonald said he did not drive [REDACTED] face into the ground or use his fist to strike [REDACTED]. Deputy MacDonald said Deputy Eierman also did not strike [REDACTED].

Deputy MacDonald said Deputy Eierman and Deputy Foster escorted SUS1 to a patrol vehicle. Deputy MacDonald saw [REDACTED] interfered with the placement of SUS1 in the patrol car. Deputy MacDonald saw Deputy Foster push [REDACTED] back and Deputy Eierman pulled out his Taser and pointed it at [REDACTED]. Deputy MacDonald left the handcuffed [REDACTED] in the street and went to assist his partners. Deputy MacDonald described [REDACTED] as a threat to their scene security. **(Attachment 6, page 10, line 441 to line 452)**



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Deputy MacDonald said he chased [REDACTED] to the front of the residence and contacted him behind his locked security screen door. While attempting to contact [REDACTED] came up and interfered with Deputy MacDonald while he was attempting to speak to [REDACTED]. Deputy MacDonald said he placed [REDACTED] in handcuffs and detained her with the help of Deputy Eierman. Deputy MacDonald said he placed [REDACTED] in his patrol car and immediately noticed SUS1 had been released. I asked Deputy MacDonald if SUS1 was handcuffed and if he had escaped on his own out of the patrol car. Deputy MacDonald said SUS1 was un-handcuffed. Deputy MacDonald was not told by other deputies SUS1 had escaped from the patrol car.

Deputy MacDonald said Sergeant Oest showed up and additional deputies arrived, but the scene was not calm. Deputy MacDonald said SUS1 grabbed a cell phone and began recording the Sheriff's Deputies. Deputy MacDonald said [REDACTED] exited his home but closed the metal driveway gate and stood behind it yelling.

Deputy MacDonald contacted [REDACTED] in the rear of a patrol vehicle. I asked Deputy MacDonald if [REDACTED] received medical care from AMR. He said he could not remember if AMR evaluated [REDACTED] because he was dealing with other family members. Deputy MacDonald said when he spoke to [REDACTED] he did not complain of pain or injuries. Deputy MacDonald said he asked [REDACTED] with Deputy Eierman present, if he needed medical attention. Deputy MacDonald said the conversation was a combination of Spanish and English.

Deputy MacDonald said he asked [REDACTED] what caused his family to call the police. Deputy MacDonald said [REDACTED] told him [REDACTED] was upset with him. [REDACTED] attempted to call 911 and [REDACTED] did not allow him to complete the call. Deputy MacDonald said [REDACTED] told him [REDACTED] strangled him. I asked Deputy MacDonald if he saw injuries on [REDACTED] and he said no. Deputy MacDonald said he tried to investigate [REDACTED] claim of a physical altercation with [REDACTED] and he was unable to corroborate or investigate the claim due to the chaos and lack of cooperation from [REDACTED] family. (Attachment 6, page 20, line 741 to line 780)

Deputy MacDonald said he was frustrated by his inability to investigate [REDACTED] statement of possible abuse. Deputy MacDonald said he expressed his frustration to Sergeant Oest. (Attachment 6, page 17, line 863 to line 883)

Deputy MacDonald said he saw Sergeant Oest and Deputy Eierman make repeated announcements to the family asking if anyone needed medical attention. Deputy



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MacDonald said the call ended when [REDACTED] was returned to his family and all the Sheriff's Office personnel left the scene.

Deputy MacDonald said he spent the remainder of his shift attempting to use the computer resources to identify the male subject, whom he called SUS1 in his police report. Deputy MacDonald said he did not ask the North Richmond P-Units if they could help him identify the male subject and he did not conduct follow up during his weekend shift. Deputy MacDonald said he could have done more to identify the male subject. **(Attachment 6, page 25, line 1152 to line 1154)**

Deputy MacDonald said he felt he did not receive support from his partners during this call. Deputy MacDonald said he learned from this call to speak up and tell his partners what they can do to help during chaotic calls. Deputy MacDonald also took responsibility for how the call unfolded, which caused confusion and frustration for his fellow deputies.

Second Statement of Deputy Eierman

On January 31, 2017 Sergeant Hall and I interviewed Deputy Eierman at Internal Affairs. For a complete transcription of the interview, see attachment 7. RLS Attorney Doug Foley was present to represent Deputy Eierman, who said he received and understood the contents of the Formal Notice I had emailed him. Deputy Eierman also said he understood the Administrative Admonishment and signed the Advisement of Rights Form.

Deputy Eierman confirmed he placed his handcuffs on SUS1 and at the conclusion of the incident, Deputy Eierman said he retained possession of his handcuffs. Deputy Eierman said he did not know who gave him back his handcuffs. Deputy Eierman said, "just being the fact it was so chaotic, I really don't remember who gave it – who gave me my handcuffs back." **(Attachment 7, page 2, line 79 to line 80).**

Deputy Eierman confirmed he escorted the subject to the rear of his patrol car and placed him in the back seat. Deputy Eierman said Deputy Foster and himself were in possession of the keys to his patrol vehicle at all times. He could not confirm if the front doors were locked or unlocked. Deputy Eierman confirmed he was not present when SUS1 was removed from the patrol car and taken out of handcuffs.

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Second Statement of Deputy MacDonald

On February 8, 2017, Sergeant Hall and I interviewed Deputy MacDonald at Internal Affairs. For a complete transcription of the interview, see attachment 8. RLS Attorney Doug Foley was present to represent Deputy MacDonald, who said he received and understood the contents of the Formal Notice I had emailed him. Deputy MacDonald also said he understood the Administrative Admonishment and signed the Advisement of Rights Form.

Deputy MacDonald was asked whose handcuffs were used to handcuff SUS1 and he confirmed Deputy Eierman's handcuffs were placed on SUS1. Deputy MacDonald said he did not see who gave Deputy Eierman back his handcuffs. Deputy MacDonald also confirmed he saw Deputies Eierman and Foster put SUS1 into the rear of their patrol car. Deputy MacDonald said he did not have the keys to their patrol car and he believed the key to his Ford Crown Victoria patrol car would not unlock the doors to Deputies Eierman and Foster's Ford SUV patrol car.

Deputy MacDonald confirmed he chased [REDACTED] to the security screen front door. Deputy MacDonald estimated he was at the front security screen door for three to five minutes. Deputy MacDonald confirmed he noticed SUS1 had been released when he walked the handcuffed [REDACTED] to the patrol cars. Deputy MacDonald stated he did not know who let SUS1 out of the patrol car.

Conclusions

At issue are the following:

- 1) Did Deputies MacDonald, Foster and Eierman use excessive force against the family of [REDACTED] on April 5, 2016, in violation of CCCSO policy and Procedure 1.06.61: Use of Force?
- 2) Did Deputies MacDonald, Foster and Eierman and Sergeant Oest fail to provide medical aid after they used force against the family of [REDACTED] in violation of CCCSO policy and Procedure 1.06.61: Use of Force?
- 3) Did Deputy MacDonald fail to properly document his investigation of the incident, in violation of CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.18, Patrol Response and Investigation?



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- 4) When Sergeant Oest approved Deputy MacDonald's report, was he in violation of CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.08, Report Review?

As to the first issue, CCCSO General Policy and Procedure section 1.06.61, Use of Force states in part:

I. POLICY.

- A. *Deputies shall use only that degree of force that is objectively reasonable to protect themselves and others, or to overcome resistance to their lawful authority.*

II. DEFINITIONS.

- I. **FORCE:** *Any physical effort, use or discharge of a weapon used to control, restrain, or overcome the resistance of another.*
- L. **NON-DEADLEY FORCE:** *Any use of force other than that which is deadly force. This includes any physical efforts used to control or restrain another, or to overcome the resistance of another, other than the mere application of temporary restraining devices on a compliant person.*

III. GENERAL.

- A. **DECISION TO USE FORCE.** *A Deputy's decision to use force shall take into consideration the facts and circumstances of each individual situation. Factors a Deputy should consider when deciding to use force in a given situation include but are not limited to:*
2. *Whether the suspects pose an immediate threat to the safety of Deputies or others;*
 3. *Whether the suspects are actively resisting arrest or attempting to evade arrest by flight;*
 7. *Age, size and relative strength of Deputy versus suspect;*
- B. **USE OF FORCE.** *The amount of force used shall only be the amount that is objectively reasonable to control the resistance encountered in light of all*

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the relevant circumstances. The force used should not be escalated unless it's reasonably determined that a lower level of force would not be adequate, or such a level of force is attempted and found to be inadequate. When deciding to use force, Deputies should consider the following specific factors for evaluating their use of force:

- 1. The need for the use of force;*
- 2. The relationship between the need and the amount of force to be used;*
- 3. The extent of potential injuries that could result;*
- 4. The threat reasonably perceived by the Deputy;*
- 5. Other available force options that could temper the severity of a forceful response.*

D. FORCE OPTIONS. *The Office of the Sheriff recognizes a Deputy's need for a degree of flexibility in making use of force assessments given the fluid dynamics of a confrontation. The standard for evaluating a Deputy's use of force is "reasonableness under the facts and circumstances known to the Deputy at the time." Therefore, a Deputy may choose any of the following force options, including no use of force, provided the force option selected is objectively reasonable.*

- 1. Professional Presence Non-Verbal and Verbal (No Force). Includes display of authority as a peace officer and such non-verbal means of communication as body language, demeanor, and manner of approaching. Verbalization involves the directions and commands given to the subject.*
- 2. Control, Search and Handcuff. Includes restraining and detaining by a Deputy laying hands on a subject with the intention of gaining control of the subject. **Examples include the use of a firm grip, escort position or grappling types of techniques designed to hold a subject down by using the weight of a Deputy's body.** Also included in this level would be the application of **temporary restraining devices such as handcuffs** and leg restraints (hobble devices).*



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3. Defensive Tactics. Includes techniques such as control holds, joint manipulations, **takedowns**, and ground grappling.

The Tort Claim against Contra Costa County Deputies MacDonald, Eierman and Foster stated they used excessive force on April 5, 2016 against the family of [REDACTED]. The Tort Claim stated family members were illegally arrested, detained and received injuries. The Tort Claim stated the son of [REDACTED] received a broken jaw from being driven into the ground by deputies. The Law Office of John L. Burris did not cooperate with this Internal Affairs investigation and therefore it was impossible to confirm or verify if [REDACTED] or any family members were injured during the incident.

Deputy MacDonald wrote in his report he contacted SUS1, who refused his commands and challenged him to a fight. Deputy MacDonald said SUS1 told him, "Fuck you, I'll fight you right here." Deputy MacDonald said SUS1 was similar in height and weight to him. Deputy Foster observed Deputy MacDonald as he contacted SUS1, and she stated she was confident SUS1 intended to physically assault Deputy MacDonald.

Deputy MacDonald and Deputy Eierman placed SUS1 in control holds and used a leg sweep technique to take him to the ground. While prone on the ground, both deputies denied they used any strikes to gain compliance from SUS1. While SUS1 was on the ground, his father [REDACTED] attempted to intervene. Deputy Foster stated she was forced to physically push [REDACTED] back to protect her partners from his assault. While Deputies MacDonald and Eierman handcuffed SUS1, and while Deputy Foster was physically engaged with [REDACTED] trying to keep him away from her partners, the crowd closed in on the three deputies and encircled them. Based on the escalating situation, Deputy Eierman radioed for code three cover.

All three deputies confirmed a juvenile [REDACTED] jumped on the back of SUS1 as he was lying prone on the ground. Deputy MacDonald immediately reacted and controlled [REDACTED] and detained him in handcuffs. Deputy MacDonald denied he used any strikes against [REDACTED]. Deputy Eierman described the detention of [REDACTED] as Deputy MacDonald used his body to pin him down.

Later in the incident, Deputy MacDonald attempted to talk to [REDACTED] who was locked behind his security screen. Deputy MacDonald said [REDACTED] intervened in his duties and refused his orders to back away. Deputy MacDonald said he placed [REDACTED] in handcuffs and detained her based on her inability to follow his commands and for interfering with his investigation.

No evidence was discovered to indicate the force used by Deputies MacDonald and Eierman during this incident on April 5, 2016 was unreasonable or excessive. Deputies

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Date Received: 10/13/2016
Complainant: Administrative

CONFIDENTIAL

MacDonald and Eierman appeared to have used only the amount of force objectively reasonable to control the resistance encountered from SUS1, [REDACTED] and [REDACTED] in light of all the relevant circumstances and in accordance with Office of the Sheriff Policy and Procedures.

No evidence was discovered to indicate the force used by Deputy Foster to overcome the resistance of [REDACTED] was unreasonable or excessive. Deputy Foster appeared to have used only the amount of force objectively reasonable to control the resistance encountered from [REDACTED] in light of all the relevant circumstances and in accordance with Office of the Sheriff Policy and Procedures.

The actions of the peace officer's, which formed the basis for the complaint, are not violations of law or Office of the Sheriff policy. Therefore, I recommend a finding of **EXONERATED** as to the violation of CCCSO General Policy and Procedure section 1.06.61, Use of Force.

As to the second issue, CCCSO General Policy and Procedure section 1.06.61, Use of Force states in part:

V. PROCEDURE 2.

A. PROVIDING MEDICAL AID AFTER USE OF FORCE. *When use of force causes injury, which would reasonably require medical attention, the Deputies using such force will ensure the injured person receives proper medical attention as soon as possible.*

- 1. Deputies will normally transport or arrange for transport of injured persons to the Contra Costa Regional Medical Center, unless the nature and/or extent of the injuries necessitate transport to a closer facility, or as directed by a Supervisor.*

A review of the CAD unit history showed AMR was called to the scene and Sheriff's personnel confirmed in their Internal Affairs interviews that AMR was on scene during the call. Deputy Foster recalled AMR spoke to [REDACTED] and she believed [REDACTED] was cleared medically by AMR. Deputy MacDonald said [REDACTED] did not appear injured and he did not believe the force he used caused [REDACTED] face to contact the ground.

Deputy MacDonald stated in his report and in his interview the male subject appeared to have been in a fight prior to the arrival of deputies and had a scrape to his chin. Sergeant Oest and Deputies MacDonald and Eierman said the male subject did not appear to have

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Complainant: Administrative

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an injured jaw because he yelled obscenities at deputies throughout the remainder of the incident.

Sergeant Oest and Deputy Eierman said they repeatedly announced to the crowd the availability of medical treatment. Sergeant Oest said he directly asked the family members of [REDACTED] if they required medical care. Deputy Eierman said he made verbal announcements in Spanish, when he asked if anyone needed medical treatment. Sergeant Oest said [REDACTED] and [REDACTED] both refused medical treatment and the lack of cooperation and repeated refusal led Sergeant Oest to believe no one in the family was injured or required medical attention.

Viewed objectively, no evidence was discovered to indicate Deputies MacDonald, Foster, Eierman and Sergeant Oest failed to offer medical aid to the family of [REDACTED]. Sheriff's Office personnel made several announcements in both English and Spanish, stating medical aid was available in the form of the AMR unit on scene.

The actions of the peace officer's which formed the basis for the complaint are not violations of law or Office of the Sheriff policy. Therefore, I recommend a finding of **EXONERATED** as to the violation of CCCSO General Policy and Procedure section 1.06.61, Use of Force – Providing Medical Aid after Use of Force.

As to the third issue, CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.18, Patrol Response and Investigation states in part:

I. POLICY

- A. Patrol and Special Operations personnel will conduct a thorough preliminary investigation of, and fully document, each criminal act they on-view or are dispatched to.*

II. PROCEDURE

A. ASSIGNED DEPUTY'S INITIAL RESPONSIBILITIES

- 1. The Deputy assigned to the initial response shall be responsible for the appropriate response, coordination, investigation and appropriate conclusion of the investigation unless relieved by an assigned investigator or their immediate supervisor.**

D. INVESTIGATIVE RESPONSIBILITIES

- 1. After making the above listed considerations, Deputies should attempt to determine the nature of the incident as quickly as possible.**



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Date Received: 10/13/2016

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2. Deputies will need to make contact with and interview all parties relevant to the investigation:

- a. Victims*
- b. Witnesses*
- c. Suspects*
- d. Any other involved parties*

3. Deputies will attempt to gather and document as much of the following identifying information as possible:

- a. True identification of the person being spoken to*
- b. Addresses (home and work) and contact numbers of the person being spoken to*
- c. Physical descriptors of the person being spoken to*

Deputy MacDonald stated he was unable to identify SUS1 because he had been released from the rear of a patrol vehicle prior to being questioned. Sergeant Oest as well as Deputies Eierman and Foster all stated the scene was chaotic and the family did not cooperate with the investigation. Sergeant Oest said the crowd was hostile and he believed deputies would have had to use force to re-contact SUS1. Sergeant Oest believed the result was not worth the potential consequences of inflaming the large crowd.

Deputy MacDonald said he tried to identify SUS1 when he researched previous calls and reports which dealt with the family. Deputy MacDonald said he also attempted to use Sheriff's Office computer databases to search for the identity of SUS1. Deputy MacDonald did not, however, document in his report those investigative steps.

Deputy MacDonald did not attempt to re-contact the family when he returned for his regular assigned shift two days after the incident. Deputy MacDonald did not ask other Bay Station deputies, specifically the North Richmond Resident deputies, for assistance in identifying SUS1.

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During his Internal Affairs interview, Deputy MacDonald admitted the call was his responsibility. Deputy MacDonald said he could have done a more thorough investigation and made a better effort in an attempt to identify SUS1.

This investigation disclosed sufficient evidence to clearly prove the allegation. Therefore, I recommend the finding of **SUSTAINED** as to the violation of CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.18, Patrol Response and Investigation.

As to the fourth issue, CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.08, Report Review states in part:

I. POLICY

- A. Reports submitted by the Patrol and Special Operations Division personnel will be clear, concise, and complete.**
- B. They will be reviewed by the line supervisors prior to Department distribution.*
- C. They will be reviewed by Station Commanders and/or City Police Managers after Department distribution.*

II. PROCEDURE

A. GENERAL RESPONSIBILITY

- 1. Patrol Deputies are responsible for contacting their supervisor to have their reports reviewed before the end of their shift.*

B. AUTHORITY AND RESPONSIBILITY OF SUPERVISORS

- 1. All supervisors have the authority and responsibility to critically review reports and, when necessary, provide guidance and counseling in proper report writing methods and procedures.**
- 2. They will review all reports generated by personnel and will make sure the reports contain:*
 - e. The necessary elements of all crimes listed on the face page.*
 - f. The actions taken by the Deputy and assisting Deputies.*



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Date Received: 10/13/2016

Complainant: Administrative

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- g. A list of all losses and damages to property and victims.*
- h. **Complete identification of all the involved parties and a correct disposition.***

Sergeant Oest read and approved Deputy MacDonald's primary report the following week. In Deputy MacDonald's report, the identity of SUS1 was still unknown. Sergeant Oest did not reject the report back to Deputy MacDonald. Sergeant Oest failed to communicate to Deputy MacDonald the importance of identifying SUS1 or documenting the investigative steps used by MacDonald to attempt to gain the identity of SUS1. Sergeant Oest said due to his offset schedule with Deputy MacDonald's weekend shift, he felt a rejection of the report would have placed the report into the red. Sergeant Oest said the back and forth communication between himself and Deputy MacDonald would have delayed the report.

Sergeant Oest signed the report off and approved the disposition code of "CLR", which stands for clear. The decision by Sergeant Oest to clear the report was an indication he believed the misdemeanor investigation was completed. In his Internal Affairs interview, Sergeant Oest was asked if he believed it was reasonable for Deputy MacDonald to determine the identity of SUS1. Sergeant Oest stated he believed Deputy MacDonald could have "eventually learned the identity of SUS1." (**Attachment 3, part 2, page 4, line 160 to line 172**)

Sergeant Oest failed to direct Deputy MacDonald to suspend the report, which would have indicated the investigation was incomplete and a supplemental report detailing Deputy MacDonald's follow up investigation would have been forthcoming.

Viewed Objectively, Sergeant Oest failed to communicate with Deputy MacDonald regarding the need to identify SUS1. As the primary supervisor of this incident, Sergeant Oest was responsible for reviewing and approving the completed reports. Sergeant Oest approved a report which lacked necessary information.

This investigation disclosed sufficient evidence to clearly prove the allegation. Therefore, I recommend the finding of **SUSTAINED** as to the violation of CCCSO Patrol and Special Operations Division Policy and Procedure Policy 3.01.08, Report Review.

CONFIDENTIAL



DR No: 160005055

Sup No: ORIG

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OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

Beat: 4

CA0070000

DV: No

P.O. BOX 391, Martinez, California 94553-0039

ARREST: No

DR No. 160005055	Sup. No ORIG	Assignment BAY	Reported Date Tue 04/05/2016	Reported Time 1718	Status REPORT TO FOLLOW	Confidential? No	Entered By 75040
From Date Tue 04/05/2016	From Time 1718	To Date	To Time	Report Incident Type 148	Use Of Force PHYSICAL FORCE		
Location 1625 4TH ST #B				City NRI	Zip 94801		
Offense No. 1	Offense PC148	Offense Description Resisting An Officer (M)					
Evidence No	Fingerprint No	Body Camera No	Marsy's Law No	Elder Abuse From SOC 341 No	Victim Response - 293 PC No	Missing/Stolen Value	Damaged Value

SYNOPSIS

This report concerns SUS1-a seventeen year old Hispanic male and SUS2- [REDACTED] willfully resisting, delaying, and obstructing my lawful duties while attempting to investigate a welfare check on OTH- [REDACTED] at 1625 4th St. #B. Based on SUS1 and [REDACTED] actions and refusal to cooperate, I was not able to investigate the original call. SUS1 has not been positively identified at this time. SUS1 and [REDACTED] were detained and released on scene. Sgt. Oest was on scene.

SUBJECTS

Other	Invl. No 1	Type Individual	Name [REDACTED]							
	Race HISPANIC	Gender FEMALE	DOB [REDACTED]	AGE 40	To Age	Height 504	To Height	Weight 150	To Weight	Juvenile? No
	Hair Color Black	Eye Color Brown	Skin	General Appearance	Build	Clothing Discription				
	Hair Description	Facial Features	Speech	Demeanor	Deformity					
	Further Description Wife of SUS2- [REDACTED] and mother of SUS1									
	Address Type Home	Location [REDACTED]	City [REDACTED]	State [REDACTED]	Zip [REDACTED]					
	ID Type	ID No.	Operator License State							
	Offense Link	Offense	Phone Type Cell	Phone Number [REDACTED]						
	Email Type	Email								
	Mark Type	Mark Code	Mark Description							
	Employer / School	Position / Grade			Empl. From Date	Empl. To Date				
	Empl. Location	Empl. City			Empl. State	Empl. Zip				
	Empl. Contact	Empl. Phone Type			Empl. Phone					

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print) MACDONALD, CHAD	Date / Time Written 4/10/2016 22:23:30	Disposition CLEARED
Approving Supervisor(Print) OEST, RUDOLPH	Supervisor No. 48393	Date 4/12/2016



DR No: 16005055

Sup No: ORIG

Page 2 of 8

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

Other	Invl. No	Type	Name									
	2	Individual										
	Race	Gender	DOB	AGE	To Age	Height	To Height	Weight	To Weight	Juvenile?		
	HISPANIC	MALE		11		501		140		Yes		
	Hair Color	Eye Color	Skin	General Appearance		Build		Clothing Description				
	Black	Brown										
	Hair Description	Facial Features			Speech		Demeanor		Deformity			
	Further Description											
	SON OF SUS2-											
	Address Type	Location				City		State		Zip		
	Home											
	ID Type	ID No.			Operator License State							
	Offense Link	Offense			Phone Type		Phone Number					
	Home											
Email Type	Email											
Mark Type	Mark Code			Mark Description								
Employer / School	Position / Grade				Empl. From Date		Empl. To Date					
Empl. Location	Empl. City				Empl. State		Empl. Zip					
Empl. Contact	Empl. Phone Type				Empl. Phone							
Business												
Person Reporting the Incident	Invl. No	Type	Name									
	1	Individual	UNK,UNK									
	Race	Gender	DOB	AGE	To Age	Height	To Height	Weight	To Weight	Juvenile?		
	HISPANIC	FEMALE								No		
	Hair Color	Eye Color	Skin	General Appearance		Build		Clothing Description				
	Hair Description	Facial Features			Speech		Demeanor		Deformity			
	Further Description											
	Address Type	Location				City		State		Zip		
	Home											
	ID Type	ID No.			Operator License State							
	Offense Link	Offense			Phone Type		Phone Number					
	Home											
	Email Type	Email										
Mark Type	Mark Code			Mark Description								
Employer / School	Position / Grade				Empl. From Date		Empl. To Date					
Empl. Location	Empl. City				Empl. State		Empl. Zip					
Empl. Contact	Empl. Phone Type				Empl. Phone							
Distribution												
MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,												
Additional Routing												
Reporting Deputy (Print)					Date / Time Written			Disposition				
MACDONALD, CHAD					4/10/2016 22:23:30			CLEARED				
Approving Supervisor(Print)					Supervisor No.			Date				
OEST, RUDOLPH					48393			4/12/2016				



DR No: 1b0005055

Sup No: ORIG

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OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

Suspect	Invl. No	Type		Name																			
	1	Individual		UNK,UNK																			
	Race		Gender		DOB		AGE		To Age		Height		To Height		Weight		To Weight		Juvenile?				
	HISPANIC		MALE				17				508				160				Yes				
	Hair Color		Eye Color		Skin		General Appearance				Build				Clothing Discription								
	Black																						
	Hair Description		Facial Features				Speech				Demeanor				Deformity								
	Crew cut						Accent																
	Further Description																						
	White t-shirt, khaki shorts, necklace																						
	Address Type		Location										City		State		Zip						
	Home																						
	ID Type		ID No.										Operator License State										
	Offense Link		Offense										Phone Type				Phone Number						
Suspect		PC148										Home											
Email Type		Email																					
Mark Type		Mark Code				Mark Description																	
Employer / School										Position / Grade										Empl. From Date		Empl. To Date	
Empl. Location										Empl. City										Empl. State		Empl. Zip	
Empl. Contact										Empl. Phone Type										Empl. Phone			
Suspect	Invl. No	Type		Name																			
	2	Individual																					
	Race		Gender		DOB		AGE		To Age		Height		To Height		Weight		To Weight		Juvenile?				
	HISPANIC		MALE				47				506				180				No				
	Hair Color		Eye Color		Skin		General Appearance				Build				Clothing Discription								
	Black		Brown																				
	Hair Description		Facial Features				Speech				Demeanor				Deformity								
	Further Description																						
	AKA																						
	Address Type		Location										City		State		Zip						
	Home																						
	ID Type		ID No.										Operator License State										
	Operator License												California (Not for boat RES)										
	Offense Link		Offense										Phone Type				Phone Number						
Suspect		PC148										Home											
Email Type		Email																					
Mark Type		Mark Code				Mark Description																	
Employer / School										Position / Grade										Empl. From Date		Empl. To Date	
Empl. Location										Empl. City										Empl. State		Empl. Zip	
Empl. Contact										Empl. Phone Type										Empl. Phone			
VEHICLES																							
Distribution																							
MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,																							
Additional Routing																							
Reporting Deputy (Print)										Date / Time Written					Disposition								
MACDONALD,CHAD										4/10/2016 22:23:30					CLEARED								
Approving Supervisor(Print)										Supervisor No.					Date								
OEST,RUDOLPH										48393					4/12/2016								



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

VESSELS

PROPERTY

MODUS OPERANDI

NARRATIVE

For ease of reading, I used the shortened last name of [REDACTED] to refer to SUS2-[REDACTED] in this report.

On 4-5-16, I was working county patrol in Richmond. I was dressed in a full uniform and driving a fully marked patrol vehicle. At 1718 hours, I was dispatched to a welfare check at 1625 4th St. #B. PRI-Unknown Hispanic female, told Sheriff Office Dispatch that her brother OTH-[REDACTED] was following their mother OTH-[REDACTED] around the house and would not leave her alone. PRI stated that [REDACTED] was suffering from an unknown mental health problem. Sheriff Office Dispatch could hear a female yelling Spanish and another male crying in the background.

While enroute, Sheriff Office Dispatch received a call from [REDACTED] that he was being physically assaulted with a belt by his father SUS2-[REDACTED] and his mother [REDACTED]. Sheriff Office Dispatch could hear screaming and crying in the background. Based on [REDACTED] statements, I upgraded my response to "code 3". At 1724 hours, I arrived on scene with my partners Deputy Eierman and Deputy Foster. (See Deputy Eierman's and Deputy Foster's supplemental reports for further details).

I exited my patrol vehicle and saw SUS1-an unknown Hispanic male, standing outside the front gate of the residence. I noticed the male had a small amount of blood on his chin. As I was trying to speak with SUS1, several other family members were outside the residence standing in the driveway. Several of the females including [REDACTED] were on the ground crying.

I asked SUS1 what happened and he immediately became confrontational and said he was fighting with his younger brother [REDACTED]. SUS1 was sweating, pacing back and forth, and appeared agitated. I asked SUS1 to sit down and tell me what happened. SUS1 refused to sit down and was trying to walk away from myself and Deputy Eierman. Based on the circumstances of the call, and the statement he made about fighting with [REDACTED] I told SUS1 he was not free to leave.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

MACDONALD, CHAD

Date / Time Written

4/10/2016 22:23:30

Disposition

CLEARED

Approving Supervisor(Print)

OEST, RUDOLPH

Supervisor No.

48393

Date

4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

SUS1 immediately took a bladed stance, balled both his fists up, and raised them up towards his face. Through my training and experience, I know that when a subject takes a bladed stance they are preparing to get into a physical altercation. I drew my electronic weapon from my holster and kept it pointed down by my left side. SUS1 yelled several obscenities, including "Fuck you, I will fight you." I ordered SUS1 to place his hands behind his back. Deputy Eierman was also giving SUS1 several verbal commands to place his hands behind his back. SUS1 refused to obey our orders and continued to stand in a bladed stance with his fists clenched. SUS1 took several steps forward towards myself and Deputy Eierman.

In order to prevent an attack, I grabbed SUS1 by his left hand and placed him a twist lock control hold. Deputy Eierman took control of SUS1 right hand and gained control of his right side. SUS1 continued to walk forward and moved his body from side to side in an attempt to break free from our control. In order to gain better control of SUS1, Deputy Eierman and I conducted a leg sweep take down and placed him on his stomach flat on the ground.

While Deputy Eierman and I were attempting to gain control of SUS 1, [REDACTED] came running up to us and started to yell, "You have the wrong son"! [REDACTED] was standing right above me within several feet of myself and Deputy Eierman. I told [REDACTED] several times, "to get back" and "back up". I kept my left hand up in the air in order to prevent [REDACTED] from coming within close physical contact to me. I looked back and saw at least three other family members including [REDACTED] and two other unknown females crowding around Deputy Eierman and I shouting unknown comments in Spanish.

Deputy Foster was ordering everyone on scene out of the way and used herself as a physical barrier to keep everyone away from Deputy Eierman and I. It was clear none of the individuals on scene were happy with us placing handcuffs on SUS1 and were a threat to our safety. Deputy Eierman used his portable radio and called for "code 3 cover". After a brief struggle, Deputy Eierman and I were able to place SUS1 in handcuffs.

I instructed Deputy Eierman to place SUS1 inside the back of a patrol vehicle. As we picked SUS1 off the ground, [REDACTED] came running up and told us to let him go. [REDACTED] used his body weight and laid on top of SUS1. I looked at [REDACTED] and ordered him to "Get back, get back"! [REDACTED] did not move and refused to obey my commands. [REDACTED] was directly interfering and delaying my duties as a peace officer. I believed [REDACTED] was trying to prevent SUS1 from being detained so he could break free and escape. I let go of SUS1 and grabbed [REDACTED] by his left arm. I placed [REDACTED] in a twist lock control hold and used my body weight to drive [REDACTED] into the ground. I secured [REDACTED] in handcuffs.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print) MACDONALD, CHAD	Date / Time Written 4/10/2016 22:23:30	Disposition CLEARED
Approving Supervisor(Print) OEST, RUDOLPH	Supervisor No. 48393	Date 4/12/2016

**OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY**
CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

Due to the on going physical altercation, I advised Sheriff Office Dispatch to start AMR and the fire department to treat any injuries.

Once [REDACTED] was handcuffed, I looked up and saw Deputy Foster and Deputy Eierman attempting to place SUS1 inside their patrol vehicle. [REDACTED] was yelling and standing right next to the left rear passenger door, which was opened. I witnessed Deputy Foster push [REDACTED] back and yell several verbal commands at him. Deputy Eierman was able to get SUS1 secured inside the patrol vehicle. Once SUS1 was secured, Deputy Eierman ran over and assisted Deputy Foster with [REDACTED]. Deputy Eierman drew his electronic weapon and pointed it at [REDACTED]. [REDACTED] turned away and ran back towards his residence.

I followed [REDACTED] towards the front door of his residence and ordered him to, "stop" and "place his hands behind his back". I gave [REDACTED] several clear loud verbal commands to "place his hands behind his back". [REDACTED] looked directly at me and said, "No". I attempted to place [REDACTED] in a control hold, but he used his arms to push my hands away. Before I could gain control, [REDACTED] ran away from me and secured himself inside his residence. I attempted to gain entry, but [REDACTED] locked his security screen door. I ordered [REDACTED] to unlock his door, but he refused and said, "I know what happens when I do that". I asked [REDACTED] why he called the police if he refused to cooperate, but he failed to provide an answer. [REDACTED] just kept yelling at me and recording me on his cell phone.

While I was trying to speak to [REDACTED], [REDACTED] ran up to me and started to yell at me in Spanish. [REDACTED] was standing several inches away from me on my left side. This was the second time [REDACTED] attempted to delay my duties and interfere with my investigation. Due to [REDACTED] agitated state, and her continuous obstruction to my duties, I grabbed her arm and moved her off the front porch. I took [REDACTED] left wrist and placed her in a twist control hold. Deputy Eierman saw me trying to control [REDACTED] and assisted me with placing her in handcuffs. I escorted [REDACTED] off the property and secured her in the back seat of my patrol vehicle.

By this time, Deputy Hadley, Deputy Lewis, and Sgt. Oest arrived to help control the scene. At 1749 hours, AMR arrived on scene.

Due to SUS1, [REDACTED] and [REDACTED] all delaying my duties, I was still not able to determine why PRI initially called police.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)
MACDONALD, CHADDate / Time Written
4/10/2016 22:23:30Disposition
CLEAREDApproving Supervisor(Print)
OEST, RUDOLPHSupervisor No.
48393Date
4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

It should be noted that after I placed [REDACTED] inside my patrol vehicle [REDACTED] exited the residence and shut his driveway gate to prevent police from contacting him or entering his property. [REDACTED] remained outside and continued to yell orders at his family in Spanish.

Prior to interviewing SUS1, he was released from handcuffs and allowed to walk away. I attempted to speak to SUS1, but he refused to cooperate. I asked SUS1 for his name and birth date but he would not tell me. The only thing SUS1 confirmed that he was seventeen years old. I asked SUS1 if he needed medical attention and he told me, "No". SUS1 continued to be disruptive while walking around and taking photographs with his cell phone. I believe SUS1 was taking orders from [REDACTED]

I attempted to speak to [REDACTED] but she did not speak any English. Deputy Eireman spoke to [REDACTED] in Spanish. [REDACTED] refused to cooperate and answer any questions. [REDACTED] was released from handcuffs and allowed to go back inside her residence. Once released, [REDACTED] continued to yell obscenities in Spanish and listen to [REDACTED]

[REDACTED] had calmed down since the initial contact so I removed him from handcuffs. I asked [REDACTED] if he needed medical attention and he stated "No". It should be noted that on 4-4-16, Deputy Lewis placed [REDACTED] on a [REDACTED]. See report (16-4988) for further details. I asked [REDACTED] what happened inside the residence and he told me the following in summary:

On 4-5-16, at approximately 1700 hours, [REDACTED] and [REDACTED] returned home to the residence from CCRMC after [REDACTED] was released from his [REDACTED]. When [REDACTED] walked through the door [REDACTED] started to yell at him and told him to get out of the house. [REDACTED] feared for his safety and picked up the residence phone to call police. As [REDACTED] was trying to dial 911 [REDACTED] hung up the phone and prevented him from calling. [REDACTED] was angry with [REDACTED] from his actions on 4-4-16 and told him to leave the residence. Without warning [REDACTED] grabbed [REDACTED] with his right hand and threw him on the ground. [REDACTED] grabbed [REDACTED] by the neck with enough force to prevent him from breathing.

[REDACTED] and SUS1 attempted to help [REDACTED] get free. [REDACTED] was able to break free and called police. I examined

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print) MACDONALD, CHAD	Date / Time Written 4/10/2016 22:23:30	Disposition CLEARED
Approving Supervisor(Print) OEST, RUDOLPH	Supervisor No. 48393	Date 4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

neck for any signs of injury with negative results. I did not see any red marks or bruising around neck area. I asked if he felt like hurting himself or others and he stated, "No". Based on my evaluation did not meet the criteria for W&I 5150. AMR was advised to cancel the previous request by Deputy Eierman for a W&I 5150 transport. I asked if he felt safe in the residence and he said, "Yes". wanted to be returned to his family.

refused to speak to me about the incident. Several other deputies including Sgt. Oest attempted to speak to and others on scene with negative results. At this time, I could not identify any crimes against or any other family members committed inside the residence. wanted Priciado to be returned to his custody. At approximately 1830 hours, was released to his family without further incident.

I was not able to take any digital photographs of SUS1 or

Based on SUS1's and actions, I believe both of them willfully resisted, delayed, and obstructed my ability to perform my lawful duties. There is enough evidence and probable cause at this time place SUS1 and under arrest for PC 148(a)(1). Sgt. Oest was on scene.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

MACDONALD, CHAD

Date / Time Written

4/10/2016 22:23:30

Disposition

CLEARED

Approving Supervisor(Print)

OEST, RUDOLPH

Supervisor No.

48393

Date

4/12/2016



DR No: 16J005055

Sup No: 0002

Page 1 of 3

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

DR No. 160005055	Sup. No. 0002	Assignment BAY	Reported Date Tue 04/05/2016	Reported Time 1718	Status REPORT TO FOLLOW	Confidential? No	Entered By 79325
From Date Tue 04/05/2016	From Time 1718	To Date	To Time	Report Incident Type 148	Use Of Force PHYSICAL FORCE		
Location 1625 4TH ST #B				City NRI	Zip 94813		
Offense No.	Offense	Offense Description					
Evidence No	Fingerprint No	Body Camera No	Marsy's Law No	Elder Abuse From SOC 341 No	Victim Response - 293 PC No	Missing/Stolen Value	Damaged Value

SYNOPSIS

***** This is a supplemental report to Deputy Macdonald's original report. *****

SUBJECTS

VEHICLES

VESSELS

PROPERTY

MODUS OPERANDI

NARRATIVE

On 4-5-16 at approximately 1718 hours, I was covering Deputy Macdonald for the report of an uncontrollable juvenile. Dispatch advised the juvenile was 11 years old and was screaming for help.

I responded code 3 to the above listed address, as I arrived on scene I saw an hispanic male(S-1) standing in front of the driveway gate. I could see multiple family members upset including a young female screaming and hysterical in front of the residence. I saw Deputy Macdonald speaking with an hispanic juvenile who appeared to be angry and recently in a confrontation. S-1 was pacing back and forth with balled fists and breathing heavily. From my training and experience I know these signs indicate a fight is eminent. I observed Deputy Macdonald order the male to calm down and sit on the curb. The male refused and said "Fuck you man, I will fight you too." I observed S-1 take a fighting stance and put his fists up. Deputy Macdonald deployed his electronic weapon, pointed it at S-1, and ordered him to sit on the curb.

I approached S-1 behind him on his right side, grabbed his right arm, and placed him in a rear twist lock. Deputy Macdonald holstered his electronic weapon and took control of S-1's Left side. S-1 was attempting to break free from my control hold, I conducted a leg sweep take down and took control of S-1 by placing him in handcuffs. As I secured the handcuffs on S-1, a juvenile later Identified as [REDACTED] ran to me and Deputy Macdonald and tried to lay on top of S-1. [REDACTED] was screaming and flailing his arms and was obviously not going to calm down. Deputy

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

EIERMAN,KEVIN

Date / Time Written

4/11/2016 23:48:01

Disposition

CLEARED

Approving Supervisor(Print)

OEST,RUDOLPH

Supervisor No.

48393

Date

4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

Macdonald placed [REDACTED] in handcuffs to prevent [REDACTED] from hurting himself or S-1 who was on the ground.

As [REDACTED] was handcuffed, approximately five family members left the gate and started to try to free [REDACTED]. I ordered all persons to return to the residence so deputies could speak to them. I saw Deputy Macdonald get pushed by a unknown female while he was holding [REDACTED]. Due to the crowds hostility and refusal to obey orders, I called for code three cover. I attempted to take S-1 to the rear of my patrol vehicle to assist other deputies on scene. SUS- [REDACTED] attempted to grab my arm and was trying to let S-1 know to go inside the house if he was able to get free. I ordered [REDACTED] to get back and to sit on the curb. [REDACTED] continued to follow me and continually tried to stop me from placing S-1 in the rear of my patrol vehicle. I pushed [REDACTED] and deployed my electronic weapon at him orienting the beam to his chest. I ordered [REDACTED] to leave or I would use my electronic weapon on him. [REDACTED] complied and went behind his gate.

I secured S-1 in the rear of my patrol vehicle and saw Deputy Macdonald, in a physical altercation with the same Hispanic female later identified as [REDACTED] who pushed him earlier. I ran to assist Deputy Macdonald and was able to place [REDACTED] in handcuffs and secure her in the rear of a patrol vehicle on scene.

Deputy Foster called for AMR to respond for any possible injuries and for the evaluation of [REDACTED]

Sgt. Oest, Deputy Lewis, and Deputy Hadley arrived on scene.

I contacted [REDACTED] in the rear of my patrol car and asked him to tell me why he was crying. It should be noted [REDACTED] is a developmentally disabled juvenile and has prior [REDACTED]. [REDACTED] told me the following in summary:

[REDACTED] stated he was upset because he lost his dog "Buddy". [REDACTED] was wanted to look for his dog and none of his family members were willing to look with him. [REDACTED] told me he was not going to harm himself, but felt sad and angry his dog ran away.

Distribution
MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print) EIERMAN, KEVIN	Date / Time Written 4/11/2016 23:48:01	Disposition CLEARED
Approving Supervisor(Print) OEST, RUDOLPH	Supervisor No. 48393	Date 4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat: 4

DV: No

ARREST: No

I attempted to get a statement from S-1, however he refused to speak with me any further. All family members began to record the incident and refused to give any statements. [REDACTED] said he would only give his first and last name to police and refused to cooperate with police any further. [REDACTED] locked his gate and would not allow police to enter his property.

Sgt. Oest attempted to get names and information with negative results. All persons detained were offered and refused medical.

All persons were released on scene.

Sgt. Oest was on scene and was notified of all actions

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

EIERMAN, KEVIN

Date / Time Written

4/11/2016 23:48:01

Disposition

CLEARED

Approving Supervisor (Print)

OEST, RUDOLPH

Supervisor No.

48393

Date

4/12/2016



DR No: 160005055

Sup No: 0001

Page 1 of 4

OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat:

DV: No

ARREST: No

DR No. 160005055	Sup. No 0001	Assignment BAY	Reported Date Tue 04/05/2016	Reported Time 1718	Status REPORT TO FOLLOW	Confidential? No	Entered By 70611
From Date Tue 04/05/2016	From Time 1718	To Date	To Time	Report Incident Type 148	Use Of Force PHYSICAL FORCE		
Location 1625 4TH ST #B				City NRI	Zip 94801		
Offense No. 1	Offense PC148	Offense Description Resisting An Officer (M)					
Evidence No	Fingerprint No	Body Camera No	Marsy's Law No	Elder Abuse From SOC 341 No	Victim Response - 293 PC No	Missing/Stolen Value	Damaged Value

SYNOPSIS

This page not used.

SUBJECTS

VEHICLES

VESSELS

PROPERTY

MODUS OPERANDI

NARRATIVE

This is a supplement to Deputy McDonald's original report

On 04/05/16, at approximately 1718 hours, I responded to assist Deputy McDonald with a welfare check at 1625 4th Street #B, in North Richmond. While en route to the location, Sheriff's Dispatch stated there was a juvenile heard screaming in the background who was recently placed on a [REDACTED]. Due to the nature of call and not knowing the circumstances surrounding the reason for police response, I advised my partner, Deputy Eierman, to upgrade our response to Code 3. Sgt. Oest was notified.

Upon arrival at the above listed residence, I observed a Hispanic male juvenile, SUS1, pacing in front of a gated driveway. The male juvenile appeared extremely agitated as his face was flushed and he was sweating profusely. As I looked to my right, I saw a Hispanic male adult, later identified as SUS2, [REDACTED] and a Hispanic female juvenile standing behind the gated driveway. The female juvenile, who was wearing a red hooded sweatshirt, was hysterical and screaming. While attempting to calm the female juvenile down and gather more information from the [REDACTED] I heard more yelling coming from SUS1.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print) FOSTER, AMY	Date / Time Written 4/11/2016 23:27:56	Disposition CLEARED
Approving Supervisor(Print) OEST, RUDOLPH	Supervisor No. 48393	Date 4/12/2016

**OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY**
CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat:

DV: No

ARREST: No

At that time, my partner, Deputy Eierman walked over to Deputy MacDonald's location to assist him. I observed SUS1 being belligerent and yelling obscenities at Deputy Eierman and Deputy MacDonald. SUS1 refused to obey orders given to him and became aggressive, balling his fists. Seeing as a physical altercation might ensue based on SUS1's pre-assaultive behavior, I began to walk over towards my partners.

As I began to step away from the gated driveway, the Hispanic female juvenile ran out from behind the gate, and grabbed my hand. The female juvenile began pleading with me to help her and to not take away her brother. Several seconds later, I saw [REDACTED] run past me, towards the middle of the street. I looked over my shoulder and saw SUS1 on the ground, attempting to be handcuffed by Deputy Eierman and Deputy MacDonald.

While Deputy MacDonald was attempting to restrain SUS1, [REDACTED] ran towards him. Deputy MacDonald raised his left hand and gave orders for [REDACTED] to stand back. [REDACTED] refused to obey Deputy MacDonald's commands, therefore forcing me to step in and assist.

I let go of the female juvenile's hand and ran towards the middle of the street. I grabbed [REDACTED] by the back of the t-shirt, and pulled him away from Deputy MacDonald. I then pushed [REDACTED] back several times, causing him to step back several feet. While doing so, I also gave [REDACTED] commands to step back. At that time [REDACTED] stated, "You have the wrong son. Let him go, now!" I asked [REDACTED] to tell me where the "correct son" was, however he began screaming obscenities and tried to push past me.

While trying to control [REDACTED] who was adamant at trying to get back to SUS1, other family members began to come outside and surround us. The number of family members coming to watch the incident totaled an excess of approximately ten people. During that time, I was the only available Deputy able to control the crowd, which was beginning to become ineffective. As a result, Deputy Eierman called for "Code 3" cover as he was still attempting to control SUS1 with Deputy MacDonald. (See Deputy Eierman's supplemental report)

During the struggle with SUS1 and [REDACTED] came running out of the house towards us [REDACTED] who was the juvenile, causing the original disturbance, was hysterical [REDACTED] tried to lay all of his body weight onto SUS1, who had been successfully handcuffed on the ground. [REDACTED] screamed and begged for SUS1 to be released. Due to

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

FOSTER, AMY

Date / Time Written

4/11/2016 23:27:56

Disposition

CLEARED

Approving Supervisor(Print)

OEST, RUDOLPH

Supervisor No.

48393

Date

4/12/2016



OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY

CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat:

DV: No

ARREST: No

his behavior and possible mental issues, he was placed into handcuffs by Deputy MacDonald. (See Deputy MacDonald's original report for further details)

Shortly after the above listed juvenile subjects were detained, AMR was requested to assess injuries and possibly transport [REDACTED] for a mental health evaluation. In the meantime, however, [REDACTED] and his wife [REDACTED] continued to disobey commands to calm down and assist in finding a resolution to the problem. As a result, [REDACTED] was detained, as she too became aggressive with Deputy MacDonald. (Again, refer to his original report for further details.)

At the final conclusion of the call, [REDACTED] was medically cleared to return home as he did not fit the requirement of W&I 5150. Due to a language barrier, [REDACTED] and [REDACTED] refused to speak to Deputy MacDonald and only spoke Spanish to Deputy Eierman and myself. SUS1 was later released on scene and allowed to return home.

It should be noted, the aforementioned family members were extremely uncooperative and refused to give names or have photographs taken. They also all declined to be medically cleared with the exception of [REDACTED]

Sgt. Oest on scene.

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

FOSTER, AMY

Date / Time Written

4/11/2016 23:27:56

Disposition

CLEARED

Approving Supervisor(Print)

OEST, RUDOLPH

Supervisor No.

48393

Date

4/12/2016



DR No: 1bu005055

Sup No: 0001

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OFFICE OF THE SHERIFF, CONTRA COSTA COUNTY
CA0070000

P.O. BOX 391, Martinez, California 94553-0039

Beat:

DV: No

ARREST: No

Distribution

MISDEMEANOR COMPLAINTS DEPUTY, BAY STATION,

Additional Routing

Reporting Deputy (Print)

FOSTER,AMY

Date / Time Written

4/11/2016 23:27:56

Disposition

CLEARED

Approving Supervisor(Print)

OEST,RUDOLPH

Supervisor No.

48393

Date

4/12/2016

INTERVIEW WITH DEP. DALE HADLEY

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Dale Hadley

Q: Good afternoon. This is Sergeant Doug Muse. I am with my partner, Sergeant Dave Hall. It is November 17th, 2016 at, uh, 12 o'clock in the afternoon. We are speaking with Deputy Dale Hadley regarding IA #2016-070. This interview is being digitally recorded. Is that okay?

A: Yes.

Q: Uh, this is an administrative investigation. You have been identified as a potential witness in the investigation. As you know, while we're talking, it's important that you be honest because during our conversation. It's considered your duty to be completely forthright and truthful. Do you understand this?

A: Yes, sir.

Q: Um, just a little background questions. How long have you been employed with the sheriff's office?

A: Approximately 14 years.

Q: And where are you currently assigned?

A: Patrol Division, Bay Station.

Q: And what shift is that?

A: Orange team. So, swing.

Q: And what shift did you work prior to this last shift change? Was it swing shift as well?

A: Yes.

Q: Okay. Um, do you recall an incident occurring on April 5th, 2016 at 1625

46 Fourth Street in North Richmond?

47
48 A: Yes.

49
50 Q: Um, I showed you the call history and you were able to familiarize yourself
51 with the call history?

52
53 A: Correct.

54
55 Q: Okay. Um, can you, um, in narrative form, briefly summarize, uh, what you
56 recall?

57
58 A: So, when I arrived on scene, I believe I parked behind, um, two other patrol
59 cars. I think it was on Fourth Street and I passed the patrol cars on, uh, the left
60 and I saw, um, I believe it was Foster and a trainee, um, escorting the -
61 somebody, uh, towards the police car I believe. Um, and then, uh, I was
62 looking for MacDonald and MacDonald was, um, inside a closed fence yard
63 and he was speaking with someone he - at, um - at, uh, the front door. Looked
64 like there was a security screen and he was - I think he was trying to get the
65 guy to come out and I kind of yelled over like, "Hey, come over here. Like
66 what do you have? What do we have?" Um, just to find out if there was any
67 outstanding suspects or basically, what - what happened and, um, I believe
68 MacDonald told me he, um, one of the - I think one of the kids was trying to
69 fight with him and he was put in handcuffs. Um, and then he said something
70 about a barricaded subject in the house and I said, uh, "Well, he's not a
71 barricaded subject. Let's - let's go out to the street." Um, and I saw the, um, I
72 don't know how old he was. Uh, he was a larger male, like kid. He's probably
73 like maybe 15 or something and he's in handcuffs and, um, I think we were -
74 they were dealing with like a 51-50 type situation. Um, so I said, "Why don't
75 we just take him out of handcuffs and put him in the back of the police car." I
76 believe he was, uh, crying or something. Um, so, at - almost at that same time
77 when, um, I initially came up and went to the yard. Maurice Lewis was also
78 coming out. So, uh, we were trying to find out kind of what - what actually
79 happened. Um, so I didn't see, um, the extent of, you know, what happened.
80 What - why, uh, you know, the individual was handcuffed or what, uh,
81 transpired. Uh, Sergeant Oest came on scene and he - he didn't really know
82 either. So, we were trying to find out what happened and I think that's about
83 it.

84
85 Q: So, um, prior to the April 5th, uh, call at this address, have you ha- did you
86 have any prior calls there or is that the first time you were there?

87
88 A: Well, I mean, I can't say for sure but I worked North Richmond for years.
89 Um, and then also on the ~~Jay~~ Team. So, it's possible I might have been there
90 but I don't - I didn't recall dealing with these people.

415

91
92 Q: Okay. Um, and you heard - did you hear, uh, 114 get dispatched and the
93 nature of - or did you hear the call go out or...
94
95 A: Yes.
96
97 Q: Okay. So, you heard the call and when did you start heading towards the
98 address?
99
100 A: Uh, almost immediately. I was on the parkway near, um, (unintelligible).
101
102 Q: What was the nature of the call Dale?
103
104 A: Um, I don't recall exactly. I can look at the...
105
106 Q: Go ahead.
107
108 A: Right. And brother can't calm down. Subject is 11 years old. PR says the
109 juvenile was following her around. Very difficult to get information. Uh, PR
110 says juvenile has a mental problem. Um, so, basically it sound like unsure, uh,
111 kind of what was going on. Maybe a 51-50 or a do- maybe a domestic or
112 something.
113
114 Q: Okay.
115
116 A: And then, um, what I noticed was when I heard, uh, when calls for cover. So,
117 yeah. He calls - Y3 calls for code three cover.
118
119 Q: Okay.
120
121 A: So, that's...
122
123 Q: And...
124
125 A: ...when - I think that's when, um, I already started that way. So, um, okay.
126 Now I kind of remember. So, then as I was coming up on (Goodrick), I was
127 like, "What do we have?" And it sounded like they were, uh, canceling tones
128 and slowing everything down. So, I was still going there pretty quick but not,
129 um, too fast 'cause I didn't know what - what actually was going on. Um, if it
130 was a fight between officers and a suspect or what.
131
132 Q: Okay. So, they, um, tones were initiated when code three cover was called and
133 then by the time you got to (Goodrick), they'd already kind of went code four
134 and slowed things down?
135

136 A: Yeah. I was turning left onto (Goodrick) and I went over and I said, uh, you - I
137 think said something like, "What do we have?" Um, to try to see, you know, if
138 there was a outstanding - I don't remember exactly what I said, but I was kind
139 of confused that it went down so quick. Code three cover and then it was -
140 then it was fine. It wasn't long for the code three cover.
141
142 Q: Um, wh- when you got there, you - you said you were there one way - 4 and
143 one way 3 were already there. So, who were the deputies that were on scene
144 when you got there?
145
146 A: I think it was, um, Cha- Deputy MacDonald and Deputy Foster and then was
147 it Eierman then? Is that his name?
148
149 Q: Eierman as their trainee?
150
151 A: Yeah.
152
153 Q: Yeah. Uh, and you mentioned you had seen, um, that Deputy Foster had
154 someone detained?
155
156 A: I think they were - yeah. They had somebody. The - the guy that had the
157 handcuffs on, he was in handcuffs and I don't remember if he was seated on
158 the ground but they were - they were near him and then I think I asked like,
159 "Where's - where's MacDonald?" And then I looked over and then that kind
160 of, um, cued me to go help him. Like what - what's going on? So, I need - I
161 wanted to basically talk to - like he's in someone's yard. Like is this a, uh -
162 um, did he bail into the yard or what? What was the reason and that - that just
163 wasn't clear. So, I was trying to figure out what happened and...
164
165 Q: Did you see anybody else detained in any of the vehicles at - at that time when
166 you first pulled up?
167
168 A: I don't recall seeing anybody - anybody else detained.
169
170 Q: Did you later learn that they had detained two people in handcuffs or three?
171 Two or three people in handcuffs?
172
173 A: I believe so. Yes.
174
175 Q: Okay. Um, did you get in, um, what was your understanding for why the, uh,
176 17-year-old, the older brother was detained? Do you - did you ever get...
177
178 A: Yeah.
179
180 Q: ...a briefing on?

181
182 A: Yes. I believe, um, I believe the - the - the people that were detained were
183 trying to like, uh, get aggressive with MacDonald or, uh, Foster or, um,
184 Eierman. I don't know if they were trying to fight them or whatever it was but
185 I - I think that was the reason they called code three cover because they
186 thought they were going to get in a physical with them but I don't know
187 exactly what - what - what happened with that.
188
189 Q: When you showed up, was there a - was there a large number of people still
190 outside the home and in the driveway and the street?
191
192 A: Yes.
193
194 Q: How many would you estimate?
195
196 A: Um, like seven or eight.
197
198 Q: M-kay. Are there any on-going physical struggles...
199
200 A: No.
201
202 Q: ...when you - when you arrived on scene?
203
204 A: I - I just don't re- I don't want to say exactly but I - I want to say one - one of
205 them was getting picked up off the ground in handcuffs.
206
207 Q: Okay.
208
209 A: And I don't remember who was picking them up.
210
211 Q: Okay. Did you get a chance to look at any of the folks that were detained? I
212 mean...
213
214 A: Yes.
215
216 Q: Did you see any visible injuries on the larger or older brother? The 17-year-
217 old or the...
218
219 A: I don't recall exactly. I do remember sent at scene - telling everybody or, uh,
220 MacDonald or it was make sure everybody takes pictures. Um, if we were
221 doing the 51-50 or whatever, someone's getting arrested for 1-48 but I don't
222 remember if - if someone was actually injured.
223
224 Q: And do you remember the kid who was evaluated for 51-50? His name ended
225 up being [REDACTED] Um, if he had injuries. Like any injuries to his face or any

226 injuries to his - any - if he was bleeding?
227
228 A: I don't recall if somebody was bleeding.
229
230 Q: Did you see AMR arrive on scene at all?
231
232 A: Uh, yes.
233
234 Q: And did, uh, did you observe them treating any of the folks detained or
235 evaluating them?
236
237 A: I can't re- I can't recall.
238
239 Q: At some point, the older subject, um, that in the report was named - unnamed
240 and he was known as suspect one. He was detained in handcuffs and the
241 report reads that he was unhandcuffed and released from the back of the
242 vehicle and then they tried to d- um, question him and try to figure out his ID
243 after the fact. Were you present for any of that or did you seen any of -
244 MacDonald trying to figure out who this guy was or...
245
246 A: I'm just trying to think of who was suspect. Who was - I don't know the
247 (backward). Does that make sense?
248
249 Q: Yeah.
250
251 A: I don't...
252
253 Q: The...
254
255 Q1: Maybe the larger guy? The larger...
256
257 A: Probably.
258
259 ((Crosstalk))
260
261 Q1: ...it's probably the only thing that we could think of with just - if...
262
263 A: Well...
264
265 Q1: ...we refer to him as the larger guy?
266
267 A: Yeah. Well, one of the - one of the kids, um, or guys. Whatever, the guy that
268 was handcuffed that looked kind of younger, um, he - he's the one I remember
269 going into the patrol car and, um, he was unhandcuffed and I believe he was
270 the one who had the initial, um, you know, uh...

271
272 Q: Altercation?
273
274 A: ...altercation with MacDonald or whoever - whatever deputies. I don't - I
275 didn't - I wasn't there. Um, or at least I don't remember somebody speaking
276 to him about his behavior or why he did what he did. I don't remember that.
277 Um...
278
279 Q: Do - do you recall how he ended up being in the back of the vehicle - patrol
280 car handcuffed to being unhandcuffed and released? Were you in - present
281 when that was occurring?
282
283 A: Yeah. I - when I f- I don't know if it's the same person but one of the kids was
284 handcuffed and he was - I don't know if he was screaming or whatever but he
285 looked kind of young and I was thinking, hey, this is a 51-50 guy. It's - he -
286 it's going to get worse 'cause he's handcuffed. Just unhandcuff him, put him
287 in the back of the car and (Coley) and (Mark), this is what we have. A 51-50
288 versus if this kid is - 'cause I remember someone said an 11-year-old and that
289 was my concern that these are juveniles, you know...
290
291 Q1: Yeah.
292
293 A: ...kids.
294
295 Q1: Yeah.
296
297 A: Um, but I - I still don't know if that makes sense.
298
299 Q: No. It does. It's...
300
301 A: The father I believe was, um, getting in an altercation with deputies, um, and I
302 believe that the two other brothers. So, um, I don't - I didn't read the, uh,
303 crime report of - well, maybe I - actually, I don't know if - what it was
304 classified as. What - if it was a 1-48 or a 51-50. I don't remember that.
305
306 Q: Okay.
307
308 A: But yeah. The- there was, uh, one person in the back of the police car who
309 wasn't in - handcuffed and I think they were evaluating, uh, you know, is it
310 going to be a - a 1-48 or a 51-50.
311
312 Q: Do you know what determination they came to? Do you remember?
313
314 A: I think they didn't come to anything.
315

316 Q: Okay.
317
318 A: Meaning, uh, no - he - the person wasn't taken away by AMR and they
319 wanted to take...
320
321 Q: (Unintelligible).
322
323 A: ...him to juvenile hall.
324
325 Q: Okay. Uh, do you recall any of the fo- any of the people who were detained,
326 um, refusing medical?
327
328 A: I - I believe the person who was in the back seat of the - the, uh, patrol car but
329 I'm not sure.
330
331 Q: Who do you - who - it - it - did you see who, um, released him from the back
332 of the patrol car? Was it Deputy MacDonald?
333
334 A: Uh, I believe it was.
335
336 Q: Okay. And again, um, did you see any evidence of a broken jaw or facial
337 injury on any of the two boys detained?
338
339 A: I don't remember that.
340
341 Q: Okay.
342
343 Q1: Do you remember any complaints by any of them of any kind of facial pain or
344 jaw pain or anyone complaining of any injuries?
345
346 A: Uh, I - I - I know that they didn't want - want us there, you know, they didn't
347 want anything to do with us.
348
349 Q1: Sure.
350
351 A: I do remember that and...
352
353 Q1: Mm-hm.
354
355 A: ...I know the family - I want to say the - the older m- uh, female was very
356 upset and the father who would stay behind the fence and he was yelling. Um,
357 so I think when Sergeant Oest got there, they were trying to figure out, hey,
358 what - what do we actually have? Um, but I think according to MacDonald,
359 nobody was being cooperative with his investigation. Whether it be the, um,
360 interview or medical or whatever but I don't remember if the contact, if, uh,

361 AMR came and I believe they did but I don't remember. I don't remember if
362 the - they came and treated him or if they drove up and we cancelled them. I
363 don't remember that part.
364
365 Q: Okay.
366
367 Q1: Okay.
368
369 A: Did they...
370
371 Q1: But they definitely came up on scene?
372
373 A: I believe they - I - I believe they came up...
374
375 Q1: Right.
376
377 A: ...and, um, yeah. They must have refused because I know that, uh, none of us
378 would say no, you can't have medical attention unless they're basically
379 refusing. So...
380
381 Q1: Right. But you're not sure if they did a refusal or not?
382
383 A: Hm-mm. I don't remember.
384
385 Q1: Right. Right. Right.
386
387 Q: Uh, were you there to the conclusion of the, uh, incident or did you leave prior
388 to...
389
390 A: I left.
391
392 Q: You left prior to, uh, it being finished or who - who remained? Was Sergeant
393 Oest remain and Deputy MacDonald?
394
395 A: Yes. I believe so. Yeah. It was, um, at the end of it was basically Sergeant
396 Oest and MacDonald, um, I think talking about or him briefing and Sergeant
397 Oest basically what happened or...
398
399 Q: How long would you characterize you were on scene four?
400
401 A: Um...
402
403 Q: I mean, in - in terms of a short while and...
404
405 A: I wasn't there that long.

406
407 Q: Not long? Okay.
408
409 Q1: How long after you arrived on scene did Sergeant - was he there before you or
410 afterward?
411
412 A: He came after.
413
414 Q1: How long afterward? Do you remember?
415
416 A: Oh, a couple of minutes. He was...
417
418 Q: After this incident, have you responded back to that address and dealt with the
419 family at all?
420
421 A: I don't think I have. I think the next day though, Lewis had to go out there.
422 Maurice Lewis.
423
424 Q: Okay.
425
426 A: And I know I think it was nothing went crazy. It was no, uh, issues or
427 anything but I think Lewis has dealt with the family before.
428
429 Q: Okay.
430
431 A: And so, I think they, um, some of the family members inside have some
432 mental issues. So, I don't know if we have been there prior on a 51-50 call or
433 something.
434
435 Q: Okay. You got anything else?
436
437 Q1: No.
438
439 Q: All right. Please do not discuss this case with anyone and especially potential
440 witnesses to this investigation. Do you understand this?
441
442 A: Yes.
443
444 Q: Okay. That's where we conclude the interview. It is 12:19.
445
446
447 The transcript has been reviewed with the audio recording submitted and it is an accurate
448 transcription.
449 Signed _____

INTERVIEW WITH DEP. MAURICE LEWIS

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Maurice Lewis

Q: All right, this is Sergeant Doug Muse. I am with my partner Sergeant Dave Hall. We are speaking to Deputy Maurice Lewis. It is November 17th, 2016 at 2:44 in the afternoon. This is in reference to IA number 2016-070. This interview is being digitally recorded. Is that okay?

A: Yes.

Q: Uh, this is an administrative investigation and you have been identified as a potential witness in the investigation. As you know while we're talkin' it's important that you be honest because during our conversations it is considered your duty to be completely forthright and truthful. Do you understand this?

A: Yes.

Q: Okay. How long have you been employed by the Sheriff's office?

A: About five and a half years.

Q: And where are you currently assigned?

A: Uh, out of base station as the Northwestern Northern Deputy.

Q: And what shift or what - what are your shift assignments usually with days?

A: It's a Monday through Thursday, um, it's between 10:00 am to 8:00 pm. Sometimes it varies.

Q: And have you been on that shift since, uh, the first of the year, since January?

A: Since M- April...

Q: Okay.

46 A: ...or about that time when I got the position.
47
48 Q: About - on April 5th were you assigned as the (unintelligible) unit?
49
50 A: I was.
51
52 Q: Do you recall, um, you had a chance to look through the, uh, unit history for
53 the call that, uh, we're gonna discuss?
54
55 A: Yes.
56
57 Q: Um, do you recall the incident on April 5th, 2016 at 1625 4th Street in North
58 Richmond?
59
60 A: Uh, yes, vaguely.
61
62 Q: Um, to the best of your recollection can you, um, kind of narrate from the time
63 you heard the call - if you heard the call or what brought you to the location
64 and kind of what you observed?
65
66 A: Okay, yeah, about that time I believe I was at the MAC meeting with
67 Lieutenant (Yates) at the time. I did have my radio off, um, I got a call from I
68 think at the time Sergeant Oest and he's like you're en route to the call - like
69 something to that manner. I was like, um, what call. I turned my radio on and
70 heard tones and he's like, "Just go to 4th Street," or somethin' like that. I
71 jumped in the car wh- it's just a couple blocks away, um, Code 3. When I got
72 around the corner I s- I seen there was - was it Deputy Foster, MacDonald and
73 Eierman in the middle of the street. They had a couple people detained in
74 cuffs and when I exited the vehicle Deputy MacDonald was sayin' - meaning
75 to detain the dad who's - I think he ran back into that house behind their
76 locked security gate. I asked him like, "What do we have," um, and I forgot
77 what he - I forgot what he - what he said but he was like, "We need to detain
78 him." I'm like, "Slow down, um, like what's goin' on," because it was - I
79 think there was a juvenile - two juveniles detained in handcuffs in the middle
80 of the street as well as the mother if I'm recallin' correctly. And from there,
81 um, they kind of filled me in on what happened and shortly after I want to say
82 Sergeant Oest arrived on-scene as well.
83
84 Q: Uh, do you recall what they filled you in with - what - what they told you had
85 happened?
86
87 A: Um, Deputy MacDonald told me that, he - they got called there because the
88 kid had called and said his dad choked him or something to that extent. I think
89 that's why he wanted to detain the dad and talk to him and figure out what his
90 - further investigate, um, that didn't happen I don't think. I don't think the dad

91 was ever detained. And I want to say prior to - I - I think at the time I said,
92 "What's goin' on," that's when we separated, like put people on different
93 patrol cars, like the juven- the older juvenile son, the mother was placed in a
94 patrol car - a different patrol car if I'm recallin' correctly.
95
96 Q: Okay. Um, had you ever been to that residence prior to that call?
97
98 A: I - yes.
99
100 Q: So are you kind of familiar with the family dynamics?
101
102 A: Yes. I want to say it's probably the day before possibly or maybe the week
103 before that.
104
105 Q: Can you explain the circumstances?
106
107 A: Um, it was for the son who's a juvenile, I forgot I'm - about the age. Um, but I
108 want to say he has behavioral issues and the day before I went there and I
109 think he may have pushed his mother or something to that extent, um, that day
110 went fine. We talked to him, he's a juvenile, he didn't, uh, didn't quite
111 understand as an adult so it took some talkin' and understandin' and he was -
112 he was placed on a [REDACTED] without incident.
113
114 Q: Okay. Um, so you did not hear the dispatch you were notified by the
115 Sergeant?
116
117 A: Yes.
118
119 Q: Did you - you didn't hear the Code 3 cover it had already - already occurred?
120
121 A: It had already happened...
122
123 Q: Okay.
124
125 A: ...and that's usually - when anything goes on there I'm usually attached and
126 I'm going but I was in the middle of MAC meeting and, yeah.
127
128 Q: What deputies did you see on-scene. You named Eierman, Foster,
129 MacDonald. Did you see anybody else on-scene?
130
131 A: MacDonald - not that I remember no.
132
133 Q: Do you recall if Deputy Hadley was there?
134
135 A: He arrived after the fact.

136
137 Q: Okay.
138
139 A: I want to say after - after I got there I want to say Sergeant Oest got there,
140 Deputy Hadley and, yeah.
141
142 Q: Okay. Um, so just to clarify when - by the time you got there was there any,
143 um, citizen havin' a confrontation or a physical confrontation with any
144 deputy?
145
146 A: Not that I recall, no.
147
148 Q: No so you didn't witness, uh - the handcuffs were on people when you got
149 there.
150
151 A: Yeah.
152
153 Q: Okay. When, uh, the older of the two juveniles - the son, well do you
154 remember which one was put - or were any put in your car?
155
156 A: I'm not sure. I know I was the third car in. I cannot remember.
157
158 Q: Okay. And did you see any injuries on - on that, uh, older juvenile?
159
160 A: I think maybe a cut to the lip.
161
162 Q: Okay. Did you...
163
164 Q1: Uh, oh, never mind. Never mind.
165
166 Q: Oh. Did you see any injuries on the younger juvenile? The one that you had
167 [REDACTED]
168
169 A: No.
170
171 Q: Um, would that be [REDACTED]? Does that ring a bell? [REDACTED] I believe his
172 name is?
173
174 A: Uh, yes.
175
176 Q: Okay. Um, did you know from your prior contacts what the older brother's
177 name was?
178
179 A: I want to say it was mentioned 'cause either the day before - the week when
180 we were there I had kinda used him to help calm down the juvenile as well.

181
182 Q: Mm-hm.
183
184 A: Um, I wanna say we - I did gather his name but...
185
186 Q: Uh, were you aware that Deputy MacDonald was havin' difficulty identifying
187 the older brother?
188
189 A: Yes.
190
191 Q: Uh, it's my understanding through the reports that the older brother was
192 detained in a vehicle in handcuffs and then he was out of handcuffs and out of
193 the patrol vehicle.
194
195 A: Yes.
196
197 Q: Were you - were you a witness to who unhandcuffed him and released him?
198
199 A: I don't recall.
200
201 Q: Okay. And did you see, um, after the older brother was released, then Deputy
202 MacDonald was attemptin' to find out who he was and identify him. Did you
203 see any of that?
204
205 A: Yes - yeah.
206
207 Q: What - how'd that conversation kinda go?
208
209 A: Um, it was just - was it - it was he just want - say he wanted to, um, be able to
210 identify him to put in the report so he could document what occurred that day.
211 But the juvenile he - he didn't want anything to do with him. Um, due to what
212 unfolded I guess.
213
214 Q: Did you see if, uh, AMR arrived on the scene and treated anybody?
215
216 A: I think they may have - or I (unintelligible) he may have declined medical.
217 I'm not sure.
218
219 Q: Okay. So you're not sure who released him from the back of the vehicle...
220
221 A: Yeah.
222
223 Q: ...and took his handcuffs off?
224
225 A: I - I - I'm not...

226
227 Q: Okay. Did you see any evidence that [REDACTED] the younger that you - the - the
228 one that you had [REDACTED] if he had like an injury to his jaw or his face or
229 anything?
230
231 A: Not that I recall no.
232
233 Q: Okay.
234
235 Q1: Do you recall either of them - either - either of the children complainin' of any
236 - juveniles complainin' of any kind of injuries?
237
238 A: Um, I think the older one may have said something about maybe his arm or
239 his wrist one of the two, um, well not - well not arm but shoulder - either
240 shoulder or the wrist...
241
242 Q1: Okay.
243
244 A: ...one of the two. And I'm not sure if it was the wrist due to the handcuffs or
245 what.
246
247 Q: And who did he say that to?
248
249 A: I think once - I wanna say once Sergeant Oest got on-scene and was askin'
250 questions and asked if they needed medical somebody turned around and, you
251 know, and - asked a question. I can't remember who.
252
253 Q: Was there a lot of family members out on - on-scene?
254
255 A: It was the family members as well as the neighbors and the neighbors - yes,
256 the neighbors came out heavily. I want to say the family that was on-scene
257 was the mother, the oldest juvenile - there's also, uh, they have a sister she - I
258 think she was out there. The youngest - and the father, and then there was
259 some, um, neighbors who was outside.
260
261 Q: How long would you, um, without gettin' down to the specifics would you
262 consider your - your - were you on-scene for a short period of time, for a long
263 duration tryin' to unclutter it or were you - was it - y- how would you describe
264 how long you were on-scene?
265
266 A: Um, maybe a good four - four to five minutes once I got on-scene. When I
267 was tryin' to figure - unclutter and see what was goin' on and then, I was -
268 like I'm confused, like, I don't know what's going on. And I remained on-
269 scene but I stepped back.
270

271 Q: Okay.
272
273 Q1: Did you ever figure out what was goin' on?
274
275 A: No, I just got the - like I said, the brief, um, synopsis from - they got the call
276 about the juvenile, um, who's - I think he said his dad had choked him to that
277 extent and then, uh, once I think - (Dawson) once he got on-scene, I don't
278 know if they were outside or not, but, um, I don't think he was havin'
279 cooperation with the family but again, they don't really speak English - their
280 kids are the translators.
281
282 Q1: Oh, okay.
283
284 A: So.
285
286 Q: Uh, have you gone to that house since April 5th and - and dealt with the
287 family and any kind of calls for service?
288
289 A: Several times after, yes.
290
291 Q: Several times?
292
293 A: Yes.
294
295 Q: Um, did your response - did the response change for that house after this
296 incident?
297
298 A: Yes it did.
299
300 Q: How did it change?
301
302 A: Um, as far as I have a good rapport with them so it's that I mainly deal with
303 them, um, and since they - after that incident they - they didn't want anything
304 to do with any deputies or any assistance from them because they didn't like
305 what happened that day or felt whatever was wrong so, um, I had a good
306 rapport from - before this and then after that they - kinda only want to deal
307 with me. Does that makes sense?
308
309 Q: Mm-hm.
310
311 A: Um, and I still see them around the neighborhood so.
312
313 Q: Okay. Were you able to ever, um, or could you positively ID the older
314 brother?
315

316 A: Yes.
317
318 Q: Were you aware that there - the police report written the older brother was not
319 able to be positively ID'd. Did anybody ask you, "Hey do you know who this
320 guy is?"
321
322 A: I - I want to say yes. It was - it was asked and I think I want to say my
323 response was, "We were out there before, I think his name should be in the
324 report," um, yeah.
325
326 Q: Okay.
327
328 Q1: The - the - the two, um, juvenile, uh...
329
330 A: Excuse me.
331
332 Q: Sure.
333
334 Q1: ...males can you describe them? I mean do they look? Are they large?
335
336 A: So the youngest one.
337
338 Q1: Mm-hm.
339
340 A: He's, um, he's short but he's heavier for his I would say maybe age.
341
342 Q1: Mm-hm.
343
344 A: He has - he has some good strength 'cause when we had to - I want to say the
345 first time I went out there I placed him in handcuffs so he wouldn't keep
346 walkin' down the street 'cause I think he maybe ran or somethin' to that
347 extent. The - older brother, he's - probably about 5'6", um, I don't know about
348 the weight, but he has a pretty - pretty good build.
349
350 Q1: And your - in your opinion do they look like juveniles?
351
352 A: Yes.
353
354 Q1: Without question? Just like you can kinda, like, you can see and, like, "Hey
355 two are juveniles?"
356
357 A: Yeah.
358
359 Q1: Okay.
360

361 Q: All right, hmm...
362
363 Q1: Were you asked to, uh, to be the one that - to be the liaison with that family?
364 Were - were you asked to be the only one to talk to them or it just kinda - has
365 it just, uh, kinda worked out that way?
366
367 A: It worked out that way. I just - like I said that I had a good rapport with them.
368 I understand he's a juvenile It's gonna take a little more convincing. So - um,
369 I'm assigned to north anyway so usually I'd be the first to the - to the call
370 anyway so, um, it was like he had to find out how it worked out and since, I
371 think I want to say after the incident I went back at every incident and then it
372 was like okay, can you - you know, make sure it's - looked after.
373
374 Q1: Have - have they mentioned this incident, um, since the times you've
375 responded to their address or had contact with them after - after this incident.
376 Have they mentioned it?
377
378 A: No they haven't.
379
380 Q1: Okay.
381
382 A: Like I said, I see the mother and the daughter, and the daughter she talks to me
383 and says, "Hi," when I ask them how they're doin'.
384
385 Q1: Mm-hm.
386
387 A: It's casual conversation.
388
389 Q1: They never mention any, um, like injury to the - to the two juvenile boys or
390 anything, uh, as a result of that incident?
391
392 A: Um, no I - like I said I think - I want to say after I went to a call - a call to the
393 house after this incident, um, and I was talkin' to them they didn't want to
394 deal with any other deputies or anything. I told them I was gonna talk to them
395 and I had like of course, one or two additional people I tried to explain to
396 them that they're gonna be there for my safety, you know, but other than that,
397 no, not that I recall.
398
399 Q: And that follow-up, um, was a day or two later?
400
401 A: When we...
402
403 Q: A BOLO call a week later?
404
405 A: In fact, yeah, when we got the next call to the residence for the uncontrollable

406 juvenile.
407
408 Q: And was [REDACTED] there again? The [REDACTED]
409
410 A: Yes.
411
412 Q: Cover?
413
414 A: Yes.
415
416 Q: And did he have any - what do you recall him screamin' or yellin' or - or did
417 he have any problems with his jaw or his face?
418
419 A: No.
420
421 Q: It didn't appear?
422
423 A: No.
424
425 Q1: Do you remember if you talked to him at all or...
426
427 A: Yeah, um, it - I don't know if I'm clear on my incidents, but I want to say at
428 that time the crisis intervention team may have been there or that might've
429 been a separate incident, but he was talkin' fine, and they were tryin' to help
430 calm him as well as me while we were waiting for, uh, AMR to arrive.
431
432 Q: So this - from the sounds of it this kid has some pretty significant, um, mental
433 health issues or behavioral issues?
434
435 A: M- more behavior issues I believe.
436
437 Q: Okay.
438
439 A: Um, and like I said, aft - I want to say he had - the crisis intervention team got
440 involved more with that and they respond and try to calm him down before
441 they had to get us involved and I don't know if arranged that for them or
442 found a resource for them to be able to, uh, do that, um, but I want to say and
443 maybe then after that incident where we got the call from the crisis
444 intervention team to come to that residence for that.
445
446 Q1: Okay.
447
448 Q: Okay. I don't have anything I can think of.
449
450 Q1: I don't either.

451
452 Q: Um...
453
454 Q1: Do you have anything that, uh, we may have forgot to ask you? Anything to
455 add?
456
457 Q: Any- anything that stands out above this - this event?
458
459 A: Um, no, it just makes it difficult since it's kind of hard to communicate with
460 them. You have to use the juvenile - the juvenile kids to communicate.
461
462 Q: Mm-hm.
463
464 A: Um, the father - it is really no communicating with him. He - you try to talk to
465 him and he kind of waves you off. And as my - I wanna say that's probably
466 the first time I dealt with him and then the second time I dealt with him he
467 was kind of the same way but I was tryin' to get a statement from him at - but,
468 um, yeah, that's...
469
470 Q1: Uh, one other question. Do you know why - so - y- you said when you arrived
471 on-scene you got further information that the father, or at least the juvenile
472 accused the father of chokin' him; correct?
473
474 A: From on-scene, yes, I'm - I'm gonna say.
475
476 Q1: Okay, and, uh, Deputy MacDonald, is that his name?
477
478 Q: Mm-hm.
479
480 Q1: He was tryin' to investigate that?
481
482 A: Yes, that's what he...
483
484 Q1: When - do you know why the father was never questioned or detained?
485
486 A: Well, he had ran into, like, into the house. That's what I'm sayin' I don't
487 know if it was behind their main gate or if it was behind the locked security
488 gate...
489
490 Q1: Mm-hm.
491
492 A: And, that's when I was like, "Well slow down, you know, like, what's goin'
493 on," and then that's when everybody got separated into cars and I don't know
494 why. I have no clue. I don't know if it was determined like nothin' happened
495 or wha- I - I'm not sure.

496
497 Q1: Okay. By that time you had kinda slid in the back?
498
499 A: Yes.
500
501 Q1: All right.
502
503 Q: Um, okay, please do not discuss this case with anyone, especially potential
504 witnesses to this investigation. Uh, you know, I do have one more question,
505 um, did some of these other units that are in the call history that, um, it
506 doesn't look like they went on-scene but can you clarify who was on-scene
507 exactly?
508
509 A: Do you mind if I see it? I can't remember who was workin' that day.
510
511 Q: Um, well did - did, uh, 1 Paul 18, (Nicholas) did she end up makin' it?
512
513 A: I don't think she ever made it on-scene.
514
515 Q: Okay and then the, uh, the, uh, for the, um, 34 cars.
516
517 A: No, they never arrived on-scene.
518
519 Q: They never arrived? (Blanche)?
520
521 A: No.
522
523 Q1: Basically transit cars?
524
525 Q: Yeah.
526
527 A: I - I wanna say the last person besides me (unintelligible) I wanna say it was
528 Sergeant (Olson) and K9, uh, yeah, K9 3.
529
530 Q: That was it?
531
532 A: And I think that was it.
533
534 Q: And so that's who was - the two cars that were involved and then you two as
535 cover with Sergeant.
536
537 A: Yes.
538
539 Q: Um, please do not discuss this case with anyone especially potential witnesses
540 to this investigation. Do you understand this?

541

542 A: Yes.

543

544 Q: All right. It is 3:03 pm. This concludes the interview.

545

546

547 The transcript has been reviewed with the audio recording submitted and it is an accurate
548 transcription.

549 Signed _____

INTERVIEW WITH SERGEANT RUDY OEST

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

Q2=(Julia Fox)

A=Sgt. Rudy Oest

Q: Good morning. This is Sergeant Doug Muse. I am with Department Sergeant Dave Hall. We are interviewing Sergeant Rudy Oest. Uh, he is represented by his Arliss attorney (Julia Fox). This is in reference to IA2016-070. It is uh, December 7, 2016 at 8:13 in the morning. And this is an administrative investigation and you have been identified as a subject to the investigation. You are to answer all questions completely and truthfully. Knowingly making false or misleading statements during the interview will be considered a separate offense that could lead to discipline up to and including termination. Do you understand this?

A: Yes.

Q: You received a formal notice from me. Did you understand it?

A: Yes.

Q: Did you have any questions regarding its content?

A: No.

Q: And have you obeyed all the admonitions outlined in the formal notice?

A: Yes.

Q: You received a form titled Administrative Admonishment prior to this interview. Did you understand that?

A: Yes.

Q: And do you have any questions regarding its content?

A: No.

46
47 Q: And it's been signed by everybody present. Get that top copy as well. I need it
48 back.
49
50 A: Yeah.
51
52 Q: Okay. Uh, how long have you been with the Office (unintelligible)?
53
54 A: Uh, approximately almost 26 years.
55
56 Q: And where do you currently work?
57
58 A: Uh, Valley Station Patrol.
59
60 Q: And what shift is that?
61
62 A: A day shift.
63
64 Q: And what shift did you work uh, in April of 2016?
65
66 A: Uh, Bay Station, dayshift.
67
68 Q: And were you on duty April 5, 2016?
69
70 A: Yes.
71
72 Q: And specifically related to this incident, was that your shift or were you on
73 overtime?
74
75 A: That was my shift.
76
77 Q: Uh, and your assignment at Bay Station?
78
79 A: Uh, Sergeant
80
81 Q: Shift supervisor?
82
83 A: Sup- yes.
84
85 Q: During your shift, did you become aware of a detail on at uh, 1625 Fourth
86 Street in North Richmond?
87
88 A: Yes.
89
90 Q: And prior to April 5, 2016, did you have any prior calls come to your attention

91 for the address of 1625 Fourth Street?
92
93 A: I don't believe so but I'm not sure.
94
95 Q: Gotcha. Going back to the call that you were made aware of on April 5, did
96 you hear the detailed dispatch?
97
98 A: Yes.
99
100 Q: Um, did you start to the call right anyway?
101
102 A: Uh, yeah.
103
104 Q: Okay. And what kind of call was it that was dispatched?
105
106 A: It was I believe some type of somebody screaming on the phone or something
107 along those lines.
108
109 Q: Like a welfare check?
110
111 A: I'm not 100% sure.
112
113 Q: Then and did you hear the Code 3 cover request?
114
115 A: Yes.
116
117 Q: Okay. Um, or it should be did you hear the Code 3 request for uh, the deputies
118 to respond Code 3?
119
120 A: Yes.
121
122 Q: That's what I mean.
123
124 A: Yes.
125
126 Q: Um, when you arrived at how long do you think the deputies had been on
127 seeing about? Estimation?
128
129 A: I - I didn't think to print out the call history on that. I - maybe 5 to 7 minutes.
130
131 Q: Okay. Um, when you arrived, what did you see?
132
133 A: Uh, drove uh, pandemonium. Um, lots of people yelling in the streets. Um, a
134 couple people were detained in patrol cars. Patrol cars spread out - spread out
135 all over the street. Um, that was my initial when I got there.

136
137 Q: Uh, do you recall which deputies were on scene?
138
139 A: Uh, I know MacDonald was there. Foster. Foster's trainee. Hadley. Um, that's
140 all I can remember.
141
142 Q: Okay. Uh, Foster's trainee is uh, Deputy Eierman. Do you remember that?
143
144 A: Eier- yeah, what's his? Eierman?
145
146 Q: Eierman.
147
148 A: Eierman.
149
150 Q: Um, the d- you said the deputies had anyone detained?
151
152 A: Yes.
153
154 Q: Okay. Um, do you remember who was detained?
155
156 A: Offhand, I believe the female, the mom, was still detained at that point. And I
157 think the 13-year-old kid was detained.
158
159 Q: The younger of the kids?
160
161 A: Younger of the kids.
162
163 Q: Okay. Um, and so the s- the older of the kid, he was - was he walking around
164 at that point or was he uh...
165
166 A: Sir, when I drove up, I'm not exactly sure of the time frames or anything
167 cause we're going back eight months, but uh, sometime during this thing,
168 MacDonald walked up. We were talking about something and he said that
169 somebody, another deputy, had released the 17-year-old from the back of the
170 patrol car.
171
172 Q: Okay. Um, what was your - what was your understanding for why the 17-
173 year-old had been detained?
174
175 A: Uh, that he was in a fight. Uh, MacDonald then was uncooperative and was
176 yelling and uh, hostile towards everybody.
177
178 Q: Okay. And then what was your understanding of why the um, the younger kid
179 the 11 - I think he was 11 [REDACTED] Um, why he was detained?
180

181 A: Because he had jumped on top of his brother.
182
183 Q: Okay.
184
185 A: And I don't know at that point if I knew that that's who the welfare check was
186 on or what it was.
187
188 Q: Rudy, you said um, another um, Deputy MacDonald told you another deputy
189 release the 17-year-old kid? Did he say who it was?
190
191 A: Not that I remember.
192
193 Q: Okay.
194
195 A: I - he may have. I just don't remember.
196
197 Q: Okay. Uh, did you get a look at - did you get a chance to look at um, what
198 with the 17-year-old walking around, did you get a chance to eyeball him?
199 Was it that type of scene where he was still within your scope of view?
200
201 A: Oh yeah. When he was flipping me off in his - my face. Yeah.
202
203 Q: Okay. Did he have any - did you see any injuries to him at all?
204
205 A: No. I did not.
206
207 Q: And so he's flipping you off. He's being um, he's being verbal as well so he's
208 talking very clear?
209
210 A: He's yelling a lot. Yes. Being extremely disruptive.
211
212 Q: Where's he at at this point when you got to him?
213
214 A: Sh- on he mainly stayed on let's call that the West sidewalk. That area. In
215 front of his house so the sidewalk in front of his house. He was pacing back
216 and forth. Would go away for a little bit. Come back.
217
218 Q: So he's still agitated?
219
220 A: Oh, beyond.
221
222 Q: Okay. And were you a little perplexed that he had been released from
223 handcuffs and was still acting that way?
224
225 A: Yes.

226
227 Q: Did you direct anybody on how to handle him at all?
228
229 A: At that point, we had a million things going on and we had other things to -
230 that were more pressing to deal with at that point than him.
231
232 Q: Okay. Um, that would be the same question for the - for the younger kid. Um,
233 did you see any a uh, [REDACTED] the younger son uh, being detained in a police
234 car or...
235
236 A: I know I went back there and I saw him kind of at the end of this whole thing.
237 But that's kind of all I remember.
238
239 Q: And do you remember if he had any injuries to his face or any injuries to him?
240
241 A: Nothing. I would have assumed that I would have noticed something like that.
242
243 Q: When you saw the 11-year-old, was he detained in a car?
244
245 A: He was sitting in the back of the car. Yeah.
246
247 Q: Okay.
248
249 A: Yeah.
250
251 Q: To your knowledge, did either of those two receive any medical treatment or
252 had been evaluated by EMR?
253
254 A: I want to see the younger one was seen by EMR.
255
256 Q: Okay. Uh, so you saw EMR on scene?
257
258 A: Yes. EMR was on scene.
259
260 Q: Did this call ever go um, not to Code 4 for safety, but like Code 4 like people
261 calmed down or it never calmed down?
262
263 A: It ne- it calm down, but still not what you would consider a good scene at all.
264 It was still everybody was agitated. The 17-year-old calmed down but was
265 still chipping. You know?
266
267 Q: Mm-hm.
268
269 A: Still being an agitator. Um, dad, who was locked behind the gate, was still
270 yelling out. Um, you know, it went down but it was never a complete leak.

271 Like you would hope seen.

272

273 Q: Uh, this is to a question for the uh, the younger son. The 11-year-old,
274 [REDACTED] Um, were you made aware of while on scene that [REDACTED] refused
275 medical treatment?

276

277 A: Uh, I mean I know I read that in the report. I - I don't have independent
278 recollection of that.

279

280 Q: Okay. This is in relation to um, if you can recall when you read that in the
281 report, did that - did that surprise you? Did that jive with all you remember
282 or...

283

284 A: That's I mean because I know we had EMR there, I know he wasn't, you
285 know, he wanted to go home. He seemed, I'm sorry, what was the original
286 question?

287

288 Q: No that - that's the - it's just that um, cause it uh, the report's written and
289 signed off many days later. And so there's a 'what you recall' and then 'what
290 you read' aspect of this.

291

292 A: Yeah.

293

294 Q: And so I just want to make did - when you read that, later when you signed it
295 off, I believe on the 12th, and this call was on the 5th, did that jive with what
296 you recall?

297

298 A: Yes.

299

300 Q: Okay.

301

302 A: Yes.

303

304 Q: Um, and did - did we have any discussions with [REDACTED] parents about his
305 potential medical issues in terms of...

306

307 A: Uh, there was zero talking to them. They were completely uncooperative.

308

309 Q: Okay. And you said you didn't have any evidence that and you heard did you
310 see [REDACTED] talking and do you have any evidence of a broken jaw or
311 anything like that?

312

313 A: No.

314

315 Q: Okay. And did anybody complain of any injuries? The 17-year-old? Was he

316 screaming about being beat up or police brutality or anything like that?
317
318 A: Nobody. And I believe I even made an announcement, "Does anybody need
319 medical attention? Anything?" Because n- just nobody was talking to us.
320
321 Q: So like a general announcement to the family?
322
323 A: Oh yeah, so he be f- as - like I said, from what I recall, most of them were
324 locked behind wrought iron gates...
325
326 Q: With you...
327
328 A: ...with spikes and stuff so there was no giving in.
329
330 Q: Okay. One second. Let me - you cleaned up a lot of these questions right here.
331 Who was attempting to discuss with the 17-year-old? The older one. Um, was
332 it MacDonald? Was it Eierman? Was it Foster?
333
334 A: I think originally it - it was MacDonald who had arrived on scene first so...
335
336 Q: And what kind of stuff was he saying to him? No. I - let me take this back.
337 This is after he has been released from handcuffs. He's being agitated. He's
338 kind of calmed down but he still chipping. Is anybody attempting to talk to
339 him or with...
340
341 A: Oh yeah. We, you know, "Can we get your name? Anything?" You know, it
342 was, "Fuck you. No. Get away." That type of stuff.
343
344 Q: I mean - I mean how many attempts do you think someone tried to contact
345 him and get his ID and - and - and everything?
346
347 A: Oh. Numerous. 10.
348
349 Q: Okay. Over the course of the...
350
351 A: Over the course of - yeah.
352
353 Q: Did you um, were you present or did you observe any of the deputies
354 conducting any interviews?
355
356 A: Uh, no.
357
358 Q: Okay.
359
360 Q1: I'm just confirming, the 17-year-old kid was already out of the patrol car and

361 away from just in earshot of the - of the scene? Or walking, you know,
362 where...
363
364 A: Yeah. When I got there. He was - he was already um..
365
366 Q1: He was chipping and...
367
368 A: Yeah.
369
370 Q1: Okay.
371
372 Q: The report states you attempted to gain compliance with the father, [REDACTED]
373 [REDACTED], when he was behind the security fence.
374
375 A: Yes.
376
377 Q: Can you explain your attempts to contact the father? Like can you kind of
378 describe or go through um, what you did to bring resolution to this for the
379 father?
380
381 A: Uh, specifics? I don't know. I remember numerous times saying, you know,
382 "You called us when you, you know why - how can we resolve this to do it",
383 you know, because he's was yelling a lot in Spanish so I don't know what's
384 going on. Um, trying to figure I mean I don't - we were just trying to figure
385 out why we were there to begin with. So he just refused to - he would walk
386 away. He would go back in the house. Shut the door. Then he would come
387 back outside. Um, you know, just I just ta- I at numerous times, you know,
388 "Can you - what do you want" and just he would not even talk.
389
390 Q: Were there any Sheriff's office personnel um, in his yard at any time?
391
392 A: I'm j- I would guess they were prior to him locking the gate.
393
394 Q: Okay. So he locked the outer gate? I - I know how Northridge, when they
395 have the - the spiked gates on the - on the outer?
396
397 A: That's exactly what it was.
398
399 Q: Okay.
400
401 A: So it was a spiked gate that slid across.
402
403 Q: Right.
404
405 A: So it was a completely...

406
407 Q: And then encapsulates the driveway as well?
408
409 A: Yeah.
410
411 Q: Okay.
412
413 A: And the front yard.
414
415 Q: Yeah.
416
417 A: So...
418
419 Q: Okay. So was that gate locked when you arrived on scene? Was it already
420 locked? Was he already behind it?
421
422 A: I don't remember.
423
424 Q: Okay. How did this call end?
425
426 A: Uh, ended up we've got - I think we were able to calm the mom down enough.
427 We released her. Talked to the kid. The kid did not meet the 51-50 criteria. I
428 know for and I don't remember specifics, there was a lot of back and forth.
429 The kid wanted to go home. The parents wanted him 51-50. So but he didn't
430 meet the 51-50 threshold. So there was a lot of back and forth with that. So we
431 somehow ma- reached a resolution that the parents came, not the parents,
432 somebody came and took the child back into...
433
434 Q: The - was the mom the one who was...
435
436 A: I - yeah, the mom was...
437
438 Q: Okay.
439
440 A: ...the one but she was listening.
441
442 Q: Do you remember why she was detained in the first place? The mom?
443
444 A: I think she jumped on somebody or grabbed somebody or some blocked the
445 door or something like that.
446
447 Q: Okay. Do you feel this call was handled correctly?
448
449 A: Yes.
450

451 Q: Um, did you counsel any of the deputies regarding their actions or how they
452 handled the call?
453
454 A: Uh, the following day I know I lined up I discussed or we had a little training
455 on not releasing anybody else's prisoner or detainee.
456
457 Q: Mm. So was it Deputy MacDonald tell you that the - the 17-year-old was
458 released without his knowledge or without his permission or basically...
459
460 A: It was something along those lines.
461
462 Q: Okay.
463
464 A: I don't remember exact words but...
465
466 Q: Okay. Was this a um, I mean there was a trainee present. Is this a trainee
467 mistake possibly?
468
469 A: I really I don't know. I don't remember.
470
471 Q: And at that time, did you - was it your understanding that not only was the 17-
472 year-old um, released, but you had not ordered Deputy MacDonald had not
473 identified him properly or?
474
475 A: I just I remember him saying cause I remember later during this call, he said,
476 you know, "I don't have any ID on him." Be - I - it might even come up
477 afterwards cause I said, "Hey, take a pictures of everybody" and they refused
478 to take pictures for the report. Um, and then I don't know when it came up,
479 but he said, "We don't have ID" and at this point it was the choice of having
480 to go hands on for with the 17-year-old to possibly make him give us his name
481 which that was going to do no good because...
482
483 Q: He waived - he waived that consequence?
484
485 A: Oh yeah. Juvenile hall is not going to take him. I mean okay. So now we just
486 wrestled somebody to the ground who is still not going to give us their name.
487 What are we going to do with him?
488
489 Q: Had you identified or had anyone told you that they identified a crime that the
490 17-year-old had committed?
491
492 A: No. At this point I maybe I had assumed it was like a 148-ish kind of thing but
493 that's from best I can remember. That's kind of what we had.
494
495 Q: And confirming, if - if in fact you believe that the 17-year-old committed a

496 148, that had raised to the level of trying to recontact him and possibly having
497 to go hands on or having to use force against him to...
498

499 A: Y- because of the crowd and everything it just didn't make sense to do that.
500

501 Q: Did you feel that because it had de-escalated somewhat that, you know, trying
502 to recontact him would have fired the...
503

504 A: Oh, we would fire that entire crowd right back up.
505

506 Q: Okay. Can you describe how many people you think were in the crowd and
507 one of the reports it says about ten.
508

509 A: Oh. It was more than that. I think there was at least just 10 family members
510 but when you were throwing in neighbors and everybody else who stopped to
511 show up, I mean that probably conservative 25, if not more. Just in the
512 immediate area. Not even down the streets.
513

514 Q2: And how many deputies?
515

516 A: I know I'm guessing there was maybe five of us. Something.
517

518 Q: And would you describe the crowd as a hostile crowd?
519

520 A: Yes.
521

522 Q: Okay. A typical Northridge kind crowd?
523

524 A: Yeah.
525

526 Q: A lot of yelling from the crowd and not involved people?
527

528 A: I mean a lot of chipping. Would it - yeah.
529

530 Q: Um, after this incident, have you responded back to that address at all? Um.
531

532 A: Oh yeah. I know we've responded back there.
533

534 Q: Okay.
535

536 A: Yes.
537

538 Q: Um, did you direct any specific units to handle that? I mean did you direct
539 your (unintelligible) there? Did you make sure the B-4 car was very aware of
540 that address? How'd you handle...

541
542 A: Yeah.
543
544 Q: How do you handle supervising that address from - from that point forward?
545
546 A: So from that point, I made it a two car minimum to go back to that address.
547 And I knew (Lewis) the Paul unit, had a good rapport with that family. Um,
548 and I don't know if it's came up after - it probably came up afterwards or
549 whatever. So whenever we were on and there, (Lewis) was instructed to be the
550 primary point of contact for them.
551
552 Q: Okay. And did that seem to - how were calls were all those crazy after that or
553 did - did the continuity of having Deputy (Lewis) involved...
554
555 A: Yes.
556
557 Q: ...to help - help when they had calls for service?
558
559 A: I know we went back there n- n- I don't know how many more times. I know
560 we went back there on other calls. But nothing ever rose to, you know, this
561 level.
562
563 Q: Okay. Do you know if uh, Deputy Foster, Deputy MacDonald has um,
564 responded back there um, specifically?
565
566 A: Uh, no idea.
567
568 Q: Okay. Uh, going back to just an overall um, when you get on scene, you start
569 getting okay get trying to get a handle of what this whole thing is um, do you
570 recall any specific directions to Deputy MacDonald on how to handle this
571 call? Um it's a pretty vague question but can you prioritize what your
572 priorities were for him?
573
574 A: I again, going back eight months...
575
576 Q: Okay. Uh, were you made aware of by your peers of any deficiencies in
577 Deputy MacDonald's work performance?
578
579 A: No.
580
581 Q: Okay.
582
583 Q1: Had you observed any deficiencies besides this, you know, beyond this call.
584 Any other calls for service?
585

586 A: I wouldn't...
587
588 Q1: Report writing.
589
590 A: ...call them deficiencies. I know the rumor around that he was a little more
591 timid. Um, but that was about it. He still wrote his reports very well. Um,
592 handled his calls for service along those lines.
593
594 Q1: There was just rumors that could you describe I mean what do you mean
595 timid?
596
597 A: Timid like, you know, there's certain deputies that should work Bay Station,
598 there's certain deputies that should work Valley. He, I think, would be and it's
599 more suited to work a Valley situation.
600
601 Q1: Okay.
602
603 Q: Is that something you personally observed as far as his personality or his
604 aggressive lack of aggressiveness or...
605
606 A: I didn't he was on uh, weekends.
607
608 Q: Oh, okay.
609
610 A: So I would cross over with him like very occasionally.
611
612 Q1: So this is more secondhand knowledge to you?
613
614 A: Yeah.
615
616 Q1: Okay.
617
618 Q: From deputies or from supervisors? Or both?
619
620 A: I - it may have back - you know, it's one of those I heard it. I don't know
621 where I heard it kind of thing.
622
623 Q: Um, what it a - (unintelligible) um, anything else on that?
624
625 Q1: Um, no.
626
627 Q: Okay. We're going to ask about the report now.
628
629 A: Okay.
630

631 Q: Reports. Um, and you said Deputy MacDonald was on weekends? He was on
632 Gold shift?

633
634 A: Yeah. Can we take just two seconds?

635
636 Q: Yeah.

637
638 A: Just to grab something to drink? I mean literally thirsty.

639
640 Q: We'll go ahead and uh, (unintelligible).

641
642 A: Okay.

643
644 Q: The time is 8:35. We are going to take a break.

645
646
647 The transcript has been reviewed with the audio recording submitted and it is an accurate
648 transcription.

649 Signed _____

INTERVIEW WITH SGT. RUDY OEST

Q=Sergeant Douglas Muse

Q1=Sergeant Dave Hall

Q2=(Julia Fox)

A=Sergeant Rudy Oest

Q: All right. This is a resumption of the interview. It's 8:37. All presents uh, all persons are still present. Um, we'll resume. I asked uh, Deputy MacDonald was on Gold team. Or Bay Gold, I believe?

A: Yes.

Q: All right. Did the fact that Deputy MacDonald - MacDonald was on Gold and you were on day shift complicate the uh, review of this report?

A: Oh, I'm sure it did. I, for the life of me, don't remember what, you know, what it was. But I'm guessing that, yeah, he probably wrote it over the weekend because if he was on overtime, on day shift or on swing shift, he probably didn't finish it because there was - it was not an in custody or anything like that. Probably got turned in and then I would have reviewed it on Monday.

Q: Okay. Um, you had the opportunity to review the (unintelligible) associated with this case prior to this interview, correct?

A: Yes.

Q: The date of the incident was April 5. The primary report was submitted on April 10 and the supplements were turned in April 11 and you signed it all off on April 12. Do you know why it took MacDonald five days to write the report?

A: I'm guessing because he was on overtime that day. He wrote it over the weekend and I would have reviewed it on Monday when I came in on my first day of work.

Q: Do you recall if uh, did you work with him on the report? In terms of was it good? Do - do you recall if it was good on the first round? Did you have

46 projections?
47
48 A: I don't remember.
49
50 Q: Okay.
51
52 A: Is that a calendar of...
53
54 Q: Yes. I was going to...
55
56 A: Or I can just look. Yeah, because I don't even - so.
57
58 Q: So April 5 is a Tuesday?
59
60 A: Okay.
61
62 Q: For that incident. Uh, his next day back at work would be the 8th. The 11th
63 was a Monday and the 12th was a Tuesday.
64
65 A: Yes.
66
67 Q: So the following week. Uh, the fact that it happened on a Tuesday the 5th and
68 you were reading it basically a week later um, did it - did the report read with
69 how you understood the facts?
70
71 A: Yes.
72
73 Q: Um, there wasn't anything that struck you as um, "Oh, I didn't know that" or
74 "That surprised me" or "That's why that happened", if you can recall.
75
76 A: Uh, not that I can recall.
77
78 Q: The main suspect was identified as Suspect 1. Um, I know that we will do uh,
79 unidentified suspects for things that are unidentified. But did it - did you
80 expect MacDonald to have identified this dude at a later date?
81
82 A: Is that my - I may have thought that or I may have said it. I don't remember. I
83 think we maybe tried to figure out from past calls, you know, going through
84 names and locs and stuff. But I - I just don't remember.
85
86 Q: Did you ever think um, you said that um, Deputy (Lewis) had a good rapport
87 with that family. Did you ever think about sending him there to maybe, you
88 know, talk - talk to them? You know that...
89
90 A: Get them...

91
92 Q: ...kind of a ruse. Get the name of the 17-year-old?
93
94 A: No. Maybe. I don't remember that.
95
96 Q: And the report doesn't really detail um, what Deputy MacDonald used to
97 attempts he made to identify the guy. Did - did - did - did you have any
98 interaction with him to say, "W- how'd you try to identify this guy" or do you
99 have any knowledge of how he tried to identify him?
100
101 A: I don't remember.
102
103 Q: To your understanding was um, it - did it - did the incident go down where
104 Deputy MacDonal- MacDonald got on scene, got into the - the physical
105 altercation with the suspect and have him detained and then was dealing with
106 all the aftermath and all the other people. Um, would it be safe to assume that
107 he didn't get a chance to identify him? Was that w- is that the way you
108 understood it?
109
110 A: Yeah. My understanding is that prior to him getting the information, he was
111 released by another deputy.
112
113 Q: Okay.
114
115 A: It was out and about.
116
117 Q: Okay. So this - this is - so MacDonald writes a 148 report with the suspect
118 that we don't know and being a misdemeanor, it is - would you feel it's his
119 responsibility to identify uh, the suspect?
120
121 A: Eventually, yes.
122
123 Q: And make reasonable attempts to identify the suspect?
124
125 A: Yes.
126
127 Q: Um, did you direct him to get an ID on there?
128
129 A: D- uh, for a later date. I don't remember. I know during that day, at that point,
130 I know I said, "Don't worry about it" because...
131
132 Q: Okay.
133
134 A: ...of it. Like I explained earlier.
135

136 Q: Put down here?
137
138 A: Yeah.
139
140 Q: Um, so five days later though, you look at the report and it the uh, the 17-
141 year-old kid is still identified as Suspect 1. Did you ever think about just ha-
142 holding the report and having Deputy uh, MacDonald go back and try to do
143 due diligence or ascertain if he did due diligence to try and identify the kid
144 before returning - turning in that report?
145
146 A: I can only speculate that by that time because it would have rolled into the red
147 and I know how they don't like reports sitting in the red. That I wouldn't - he
148 wouldn't have seen it til - he wouldn't have worked on it until the following
149 weekend.
150
151 Q: Right.
152
153 A: Then I'm back another week after that. So...
154
155 Q: So because of the offset schedules, the potential of just a simple back and
156 forth communication would have been a two week time lapse?
157
158 A: If not more.
159
160 Q: Okay. Is it your belief the identity of Suspect 1 was impossible for Deputy
161 MacDonald to find out?
162
163 A: At the time, yes. The not - no, it wouldn't be impossible. No.
164
165 Q: Impossible is probably too strong of a word. Um, at the time, though, it's
166 pretty reasonable to expect him to get the identity later.
167
168 A: Eventually.
169
170 Q: Okay.
171
172 A: Yes, he probably could have.
173
174 Q: Um, Suspect 1 stated he was 17 years old. Did - did you determine who his
175 parents or guardians were? It was pretty well-established?
176
177 A: Yeah. That it was.
178
179 Q: And it you've - you've relayed this but it - it - in your opinion, it wasn't
180 possible for Deputy MacDonald to ask the parents if either son required

181 medical attention?
182
183 A: Yeah, I believe we asked them. Again, they were not talking to us.
184
185 Q: So that question was asked to the parents um, and the parents weren't...
186
187 A: Yeah. Because from I remember from what I remember standing up I go,
188 "Does anybody need medical attention? Does anybody need anything?"
189
190 Q: Were - were the parents able to communicate with you in English?
191
192 A: I don't believe the mom could.
193
194 Q: What about the father?
195
196 A: Dad was broken.
197
198 Q: Okay. Uh, do you know if Deputy I remember Foster who speaks Spanish
199 relayed the medical question, "Does anybody need any medical?"
200
201 A: I know they spoke Spanish to him but that I don't know.
202
203 Q: And can you explain um, why Eierman, Foster or MacDonald didn't take any
204 photographs?
205
206 A: Because everybody refused to have their picture taken.
207
208 Q: So reading the reports, it's - it's a little confusing for me and MacDonald's
209 report says the 11-year-old refuses medical. Where Foster's report says EMR
210 cleared him. And it's unclear if EMR actually ever physically contacted the
211 11-year-old. Um, can you clear that up? Can you clear that up?
212
213 A: From the - from what I think I remember, we had him in the back of an SUV
214 and EMR was right there with us. So...
215
216 Q: Talking to him?
217
218 A: Yeah.
219
220 Q: Okay. And this is the 11-year-old?
221
222 A: This is the 11-year-old.
223
224 Q: The language in Deputy MacDonald's report um, says that he used his body
225 weight to drive um, ██████████ to the ground.

226
227 A: Yes.
228
229 Q: Um, did that raise any concern for you? Was it clear enough for you?
230 Knowing the facts that you knew about the case?
231
232 A: Yeah. Because that kid was bigger than MacDonald.
233
234 Q: The 11-year-old?
235
236 A: No, the...
237
238 Q: I'm talking about the 11-year-old.
239
240 A: Oh, the 11-year-old. I - I want to say the 11-year-old may still have been
241 bigger than MacDonald. Uh, if not taller, weight wise. They had to have been
242 about even.
243
244 Q: So here he writes, "I placed [REDACTED] in twist lock control
245 holding using my body wait to drive him into the ground. I secured him in
246 handcuffs."
247
248 Q1: Um, but you are saying that that kid, the 11-year-old, was possibly as big?
249
250 A: He's a big - oh yeah.
251
252 Q1: Okay.
253
254 A: As Mac Donald is.
255
256 Q1: Okay.
257
258 Q: Is MacDonald a small individual?
259
260 A: Yeah.
261
262 Q: Okay. Was it described to you that way on the scene or when you read that,
263 you were like, "Oh, I didn't realize we - can we do that kid or we put the kid
264 we drove him into the ground as well?"
265
266 A: I'm guessing they probably said he took him to the ground and then...
267
268 Q: And that's how they described it as...
269
270 ((Crosstalk))

271
272 A: Yeah, exactly.
273
274 Q: Going to the report that MacDonald wrote, he described when he interviewed
275 the 11-year-old, [REDACTED] um, that his father had grabbed the way he wrote it
276 is, "Grabbed [REDACTED] with enough force to prevent him from
277 breathing." So reading this um, did this investigation turn from a welfare
278 check for the kids to a possible child abuse case to how much credibility did
279 the kid have versus injuries?
280
281 A: The kid, because of the other statements about the missing dog, had very little
282 credibility.
283
284 Q: Can you describe the kid's um, mental capacity? I understand he's got some
285 mental issues.
286
287 A: Yeah, I think he's ex- I don't know how you would describe it honestly. Uh,
288 he is highly agitated, runs off, yells, confrontational. But is afterwards, I'm
289 guessing, he probably is at a much lower mental level than 11.
290
291 Q: His abil- uh, would you describe his ability to communicate as decent but his
292 cognitive abilities - ability to understand is probably low?
293
294 A: No. I would say all of them are low.
295
296 Q: Okay.
297
298 Q1: Did he speak English?
299
300 A: Yes.
301
302 Q1: Have you spoken to him personally? Have you spoken to the 11-year-old kid?
303
304 A: It - during that time I know I what I said or what it was, but...
305
306 Q1: Okay. Enough to make an assessment with him?
307
308 A: Yeah.
309
310 Q: And in your opinion uh, you - you made an announcement or a request that if
311 anybody needed medical multiple times?
312
313 A: Yeah.
314
315 Q: And that satisfied your attempt to provide medical to the children and the

316 adults on scene?
317
318 A: Yes. Again, nobody was listening. Nobody was cooperating.
319
320 Q1: And at the time of the incident, you understood that the 11-year-old was at
321 least being interviewed or seen? He was contacted by EMR personnel? The
322 11-year-old?
323
324 A: From yeah. What I remember EMR was back there and...
325
326 Q1: Okay. And he was with anoth- other deputies?
327
328 A: Yeah.
329
330 Q1: Okay.
331
332 Q: And you compared the so obviously you compared the supplement reports to
333 the primary report. Um, did the supplemental report written by Deputy Foster
334 reflect the facts as you remember them?
335
336 A: Yes.
337
338 Q: And Deputy Foster's an MTO, correct?
339
340 A: Yes.
341
342 Q: All right. We answered that one.
343
344 Q1: Um, and Deputy Foster, do you remember her being at the car with uh, the 11-
345 year-old while EMR was there? Is that...
346
347 A: Offhand...
348
349 Q1: Don't remember?
350
351 A: I don't remember.
352
353 Q1: Okay. It's a long time ago.
354
355 A: Yeah.
356
357 Q: Yeah, it is. Um, the juvenile refused to be medically treated?
358
359 A: No.
360

361 Q: This is a questions about the robbing. And if you refer to the report,...
362
363 A: I have a question about that.
364
365 Q: Okay. Ques- um, I'll - I'll ask it and then you go ahead.
366
367 A: Okay.
368
369 Q: See if it - see if it can comes up solvable. So the question about the robbing
370 um, you brought all these to misdemeanor complaints? All three of them you
371 routed it to Bay Station and at that time was that - was (unintelligible) or was
372 it - or was it 90-10? Was it? Cause I can't remember it.
373
374 A: I can't remember.
375
376 Q1: I don't think it was (unintelligible) but I don't know for sure.
377
378 Q: Um, it could have been Lieutenant (O'Mary) at the time.
379
380 Q1: Or was it DJ gone by then?
381
382 Q: I believe so. Yeah.
383
384 Q1: Okay.
385
386 Q: Um, you routed well, do you know the use of force reports are routed to the
387 patrol captain?
388
389 A: Yes.
390
391 Q: Um, two of the three reports, including the main report, were not routed to the
392 patrol captain. Can you explain why?
393
394 A: Well, ac- to my copy, is this when I printed this out, is did somebody go back
395 in and reroute them?
396
397 Q: Not to my knowledge.
398
399 A: Okay. Because I filled out the copy. That's the routing matrix I get.
400
401 Q: And that's the main report?
402
403 A: Yeah.
404
405 Q: That interesting. So we'll look into this because when I printed it out and it

406 gets printed out to...
407
408 A: Yeah. And I asked her about this when I saw him laying there too.
409
410 Q: And it looks like there's missing because there is another comma here but
411 there's a comma at the end of this one, too. So I don't know. The report writer
412 system, can we get a copy of that?
413
414 A: Yeah.
415
416 Q: All right. Cool. Um, so for the record your report that you printed out from
417 your ARS reflected um,...
418
419 A: Routing to the patrol captain.
420
421 Q: Routing the patrol captain. Meer Station, misdemeanor complaints, HSSU,
422 IPT, General Investigation Sergeant at Bay Station.
423
424 A: Correct.
425
426 Q: So all the per policy routing and where when it gets printed out by a un-
427 involved party, it shows Misdemeanor Complaints Deputy at Bay Station
428 only.
429
430 A: Correct.
431
432 Q: Okay. Um, do you remember briefing a lieutenant or your station house
433 commander about this?
434
435 A: I don't remember. I - this is something that yes, I would have briefed them
436 about.
437
438 Q: Did you - do you recall if any um, complaints or this - this call generated any
439 kind of complaint or anything to yourself or the station house commander?
440
441 A: I vaguely remember something about the dad calling in a couple days later.
442 That's all I remember. I don't know what it was about or what it may uh, was
443 it a supplement to this? I don't - I just don't remember.
444
445 Q: Um, it would be I don't think I asked this already. Did you have any
446 interaction with the family since this incident? Okay.
447
448 A: N- well, yeah. I mean...
449
450 Q: No referral?

451
452 A: Yeah. Well I mean it, you know, when he was out there being a jerk and stuff
453 on other calls.
454
455 Q1: And this is the 11-year-old you're talking about?
456
457 A: No. No. This is the dad.
458
459 Q1: Oh, the dad? Okay.
460
461 A: Yeah.
462
463 Q1: So is the dad often a problem as well?
464
465 A: Oh yeah.
466
467 Q1: Okay.
468
469 A: Yeah. Cause we were it was another huge 4-15 down his street. It was like
470 about two months later, he can inserted himself into that. Then again, highly
471 combative then um, I don't even remember what it was about. He was I think
472 vaguely related to somebody there.
473
474 Q1: Okay.
475
476 Q: Okay. You got anything to follow up?
477
478 Q1: Leaving um, when you leaving the initial call on - on uh, the 5th, right?
479
480 A: Yeah.
481
482 Q1: Um, did you think that this call would generate a complaint? Was it something
483 in your mind? No?
484
485 A: No.
486
487 Q1: Okay. Why not?
488
489 A: You know what? I take that back I may - it probably was on maybe type thing.
490
491 Q1: Okay.
492
493 Q: Possibility?
494
495 A: Yeah. Possibility.

496
497 Q1: And even though you don't recall, just or I guess I can call it past practice or
498 your rule of thumb, is this an incident once again that you would have briefed
499 your - your next - your chain of command about?
500
501 A: Yeah.
502
503 Q1: Okay.
504
505 A: Yeah. Something like this, I would have.
506
507 Q1: Okay.
508
509 Q: And to clarify uh, the report, you - when did you print this report out?
510
511 A: I printed this report out whatever that - that date...
512
513 Q: When you were noted?
514
515 A: ...you sent me the email. Yeah.
516
517 Q: Okay. So you printed your report out when you noticed and this is how it
518 reads when you printed it out?
519
520 A: Yes.
521
522 Q: With the - with this distribution list?
523
524 A: Correct.
525
526 Q: Okay.
527
528 Q1: Um, when you were reviewing Deputy MacDonald's uh, report, how - how - I
529 looked at this report a while ago so I can't remember if it's - if anything's in
530 there. Do you remember well, or did you ever think of maybe instructing him
531 to put in there your announcement about medical? About offering everyone
532 medical and everyone basically telling you to f- off or you know, ignoring
533 you?
534
535 A: I don't remember.
536
537 Q1: Okay. Um, in hindsight would that be something that you think might have
538 been a good uh, good idea?
539
540 A: Yeah. But I want to say s- my announcement, yeah, but I want to say s-

541 somewhere from when I remember reviewing this, it stated that who so and so
542 reviews medical. So and so refused medical.
543
544 Q1: Okay. Okay.
545
546 Q2: Can I just have a question when you're done.
547
548 Q: Okay. (Unintelligible).
549
550 Q1: I don't.
551
552 Q: Okay. Um, (Julia), you want to ask a question?
553
554 Q2: I just wanted to sort of piggyback on what was just touched upon. You've
555 talked about Deputy MacDonald's reputation. At least some of the rumors
556 have made their way back to you. Is there a reputation you're aware of with
557 regard to this family in particular?
558
559 A: Um, the reputation yeah, with them after is that they are extremely volatile
560 towards everybody and that most of m- m- there is some type of mental
561 disorder that runs throughout the entire family.
562
563 Q1: It's not so it's not isolated to the 11-year-old?
564
565 A: No. No.
566
567 Q1: Um, has that residence been flagged? Do you know?
568
569 A: I don't remember.
570
571 Q1: Okay. And just so you know, (Julia), flagging is like if we have a problem
572 with a residence, it will come up in our in the call history. You know, the,
573 "Hey, this is a two deputy response".
574
575 Q2: Yeah.
576
577 Q1: Mental or - yeah.
578
579 Q: But for your team and your shift, you made it a two deputy call?
580
581 A: We did it. It was again one of those it didn't reach the level of needing like a
582 flag through dispatch.
583
584 Q1: Right.
585

586 A: But dealing with it, you know, in I believe a lot of the Paul units and stuff that
587 would respond and that we are familiar with...

588
589 Q1: Yeah.

590
591 A: ...the house and the people.

592
593 Q: Okay. (Julia), do you have any other questions?

594
595 Q2: I was just going to ask so is the reputation or the rumor that your whatever
596 with regard to this family consistent with your experience on this date?

597
598 A: Yeah.

599
600 Q2: Okay.

601
602 A: Yes.

603
604 Q2: That's it for me.

605
606 Q: Um, Sgt. Oest, you got anything else to add?

607
608 A: No. Not that I can think of.

609
610 Q: Okay. Then that's going to conclude the interview at 8:57. I'm going to read
611 this part. Sorry. Please do not discuss this case with anyone. Especially
612 potential witnesses to this investigation. Do you understand this?

613
614 A: Yes.

615
616 Q: Pending the outcome of this investigation, you shall not talk about or discuss
617 this case or this investigation with any other persons or employees except your
618 legal representative. Failure to abide by this order could result in new and
619 separate allegation of insubordination which if sustained could cause your
620 termination. Do you understand this?

621
622 A: Yes.

623
624 Q: And that's it. We will conclude the interview at 8:57.

625
626
627 The transcript has been reviewed with the audio recording submitted and it is an accurate
628 transcription.

629 Signed _____

INTERVIEW WITH DEP. KEVIN EIERMAN

Q=Sgt. Doug Muse

Q1=Sgt. Dave Hall

Q2=Doug Foley

A=Dep. Kevin Eierman

1
2
3
4
5
6
7
8
9
10
11
12
13
14 Q: Good morning. This is Sergeant Doug Muse. I am at the Internal Affairs
15 office with my partner Sergeant Dave Hall. I am discussing IA case 2016-070
16 with Deputy Kevin Eierman. His RLS Attorney Doug Foley is present. It is
17 11:01, on Wednesday December 21. This interview is being digitally
18 recorded. Are you okay with that?
19

20 A: Yes.
21

22 Q: This is an administrative investigation. You have been identified as the subject
23 of the investigation. You are to answer all questions completely and truthfully.
24 Knowingly making false or misleading statements during the interview will be
25 considered a separate offense, that could lead to discipline up to and including
26 termination. Do you understand this?
27

28 A: Yes.
29

30 Q: You received formal notice from me. Did you understand it?
31

32 A: Yes.
33

34 Q: Do you have any questions regarding its content?
35

36 A: No.
37

38 Q: Have you obeyed all the admonitions outlined in the formal notice?
39

40 A: Yes.
41

42 Q: And you received a form titled "Administrative Advisement" prior to this
43 interview. Did you understand it?
44

45 A: Yes.

46
47 Q: Do you have any questions regarding its contents?
48
49 A: No.
50
51 Q: Okay. I'm gonna sign it and then it will be signed and dated. Okay. How long
52 have you been with the Office of the Sheriff?
53
54 A: Uh, for about three years.
55
56 Q: And where are you currently assigned?
57
58 A: To Martinez Detention Facility.
59
60 Q: And what shift is that right now? For you. You're on light duty?
61
62 A: I'm on light duty right now, yes. But my current assignment's, uh, Blue Team.
63
64 Q: Uh, what shift did you work back in April of 2016?
65
66 A: I was on uh, FTO and Base Station.
67
68 Q: Is that a swing?
69
70 A: Yes.
71
72 Q: And your FTO was FTO Foster?
73
74 A: Yes.
75
76 Q: Did you have a chance to read your crime report 16-5055 and all the related
77 supplements?
78
79 A: Yes.
80
81 Q: Okay. To confirm you were on duty April 5, 2016?
82
83 A: Yes.
84
85 Q: And that was swing shift?
86
87 A: Yes.
88
89 Q: What was your assignment?
90

91 A: I was Beat Three, which was, uh, El Sobrante.
92
93 Q: During your shift did you become aware of a detail on - or at 1625 4th Street
94 in North Richmond?
95
96 A: Yes.
97
98 Q: Did you hear the detail dispatched?
99
100 A: Yes I did.
101
102 Q: What was the dispatch information?
103
104 A: Uh, the dispatch information, um, was - from what I remember, what I think
105 uh, like a child abuse or some sort of child being hurt.
106
107 Q: Did you start to the call right away?
108
109 A: Yes.
110
111 Q: Had you ever been in that residence prior?
112
113 A: No.
114
115 Q: For that call, um, when you arrived at that call, uh, what happened - what did
116 you see when you arrived?
117
118 A: I arrived on scene and, um, it was - as soon as I got out I could hear people
119 screaming. It was really chaotic. Um, I saw Deputy MacDonald who was my
120 Beat Partner pretty much, kind of, starting to, like argue with a guy. Um, that
121 point I saw, you know, he was in an altercation, like a verbal with him. So I
122 obviously went over to go assist him. And from there we, uh, you know, dealt
123 with that.
124
125 Q: Did Deputy Foster give you any direction when you arrived?
126
127 A: As far as?
128
129 Q: As far as when you saw Deputy MacDonald in a verbal altercation, did she
130 direct you to go cover him, or did you automatically go...
131
132 A: I went on my own.
133
134 Q: Okay.
135

136 Q1: And you said, uh, "deal with that." You dealt with that. How did you - can
137 you explain, like what exactly happened once you got out and you helped
138 Deputy MacDonald?
139
140 A: Yes. So I saw him in a verbal altercation with, kind of like a larger Hispanic
141 male. Um, not really sure what was going on because I had just arrived on
142 scene. And that's when, you know, I saw him, you know, not listening to
143 commands and everything like that. And, uh, I think he had the Taser - his
144 Taser out.
145
146 Q1: Deputy MacDonald?
147
148 A: Yes.
149
150 Q1: Okay.
151
152 A: And at that point, um, I saw, you know, he wasn't doing that, so I came over
153 and, uh, attempted to secure to him in handcuffs. Uh, we did a little leg sweep
154 takedown, and then at the point the whole family just came bum- like almost
155 bum-rushing us.
156
157 Q1: Okay. And so when you say "bum-rushing", are you talking in close
158 proximity, like...
159
160 A: Yes. Like within closer than one arms distance.
161
162 Q1: Would you say they were charging you? Did they - did they run at you?
163
164 A: It was - it was a charge. Yes. It was a - and at that point I called for Code-3
165 Cover, because I knew the situation was way out of hand.
166
167 Q: What, uh, commands do you remember Deputy MacDonald giving, before
168 you, um, went to a hands-on situation?
169
170 A: I don't remember. I just remember that, um, when I came over, I attempted to
171 kind of take over the situation. And I remember that the Hispanic male, pretty
172 much said, uh, "Fuck you man. I'll fight you too." And at that point, I kind of
173 knew like this is...
174
175 Q: Okay.
176
177 A: ...this guy's not complying.
178
179 Q: So, um, can you estimate how many people came out of the house, or came
180 within one arms distance away from you?

181
182 A: I would say, probably, came out of the house, more than 10. And probably
183 that came towards me, was about 4 or 5.
184
185 Q: If you knew, uh, describe in detail, um, what force you used to detain Suspect
186 One.
187
188 A: Suspect One would be the Hispanic male?
189
190 Q: Yeah.
191
192 A: At that point, uh, I went to go, um, you know, tell him, obviously to put his
193 hands behind his back so we can handcuff him. Wasn't doing it. He was
194 moving around in an aggravated state. His fists were balled. He was breathing
195 heavily. I remember he had some, uh, blood on his chin, like he had been, like
196 in a, maybe, altercation before.
197
198 Q: Was it, um, was he actively bleeding, or was it just...
199
200 A: It was more just like a, um, I want to say a little bit more than a rug burn.
201 Probably like a fresh rug burn.
202
203 Q: Okay.
204
205 Q1: But it appeared to you as though that happened prior to you and Deputy
206 MacDonald going hands-on with the...
207
208 A: Yes.
209
210 Q1: ...with the gentlemen?
211
212 A: Yes.
213
214 Q1: Okay.
215
216 Q: Uh, what force did you see Deputy MacDonald use to, um, detain him?
217
218 A: Uh, we both pretty much kind of tried to grab an arm. And then we, um, did -
219 like a leg sweep takedown.
220
221 Q: Did all three of you go to the ground?
222
223 A: Yes.
224
225 Q1: How did the, uh, suspect land? Do you remember?

226
227 A: I remember we had control over him. And we pretty much, just took him to
228 the ground.
229
230 Q1: Was, I mean, did, uh, did the suspect fall to the ground full force? Um...
231
232 A: No. It was more of a, just - I mean I'm not gonna say we - he just lightly
233 landed on the ground, I'm not gonna say we slammed him.
234
235 Q1: Okay.
236
237 A: But it was more just a take down.
238
239 Q1: Okay.
240
241 Q: You felt you had control over him, as he went to the ground.
242
243 A: Yes.
244
245 Q: Okay.
246
247 Q1: Did, uh, wher- and where at - where did this occur?
248
249 A: This occurred in the middle of the street.
250
251 Q1: O-
252
253 A: In front of the residence.
254
255 Q1: Okay.
256
257 Q: And, um, you said he was a larger Hispanic male. Um, can you put his size in
258 relative to your own and Deputy MacDonald's?
259
260 A: Um, he was taller than Deputy MacDonald. And he was probably about, I
261 would say about 6 feet, maybe 180, 190 pounds.
262
263 Q1: Okay.
264
265 Q: And so, in - in reference to you, is that someone you would consider to be
266 bigger than you? Or shorter than you? Or smaller than you?
267
268 A: I would consider him to be taller than me. And uh, I think he'd be a...
269
270 Q: Okay.

271
272 A: ...a worthy opponent.
273
274 Q: At any point when you were, uh, attempting to handcuff, um, the Hispanic
275 male, did you strike him in the face?
276
277 A: No.
278
279 Q: Did you drive his face into the ground?
280
281 A: No.
282
283 Q: When he landed, um, do you feel like his face hit the ground at all, when you
284 landed - when he landed, and you took him down to the ground?
285
286 A: I - no.
287
288 Q: Did you see Deputy MacDonald strike him in the face?
289
290 A: No.
291
292 Q: Okay. Um, at any point for the rest of the contact with, um, what we'll call
293 Suspect One, did he complain of any injuries to anybody?
294
295 A: No.
296
297 Q: Did the bleeding from his face, or the injury get worse, or did it...
298
299 A: No. It pretty much remained the same.
300
301 Q: And so you didn't see any additional injuries?
302
303 A: No. And he also wasn't very - very compliant with anything.
304
305 Q: Did Suspect One receive medical treatment? Or was he evaluated by AMR?
306
307 A: I'm not 100% sure if he did. I know AMR was on scene, but he wasn't willing
308 to give any information as far as his name or - or anything for a report. So I
309 don't know if he spoke with AMR and denied medical.
310
311 Q: Um, during this incident, did you think of using your Taser at all?
312
313 A: Um, I did not. I did not think that that was a good force option for me, in the
314 moment.
315

316 Q1: Can you explain why?
317
318 A: Just because there was so many people on scene. And the scene was so
319 chaotic. Um, I just felt like a Taser - you know that's, uh, kind of a one shot
320 deal. And I felt like that would have just escalated the situation more.
321
322 Q1: Okay.
323
324 A: So...
325
326 Q1: So you're saying with the one shot deal, were you, um...
327
328 A: We're...
329
330 Q1: ...concerned that in case you missed that it would be an issue?
331
332 A: Well in case I missed, or if I did have to use the Taser then everyone would,
333 you know, freak out a little bit more. I felt, you know, coming in and trying to
334 deescalate the situation was a better option.
335
336 Q1: Um, while you were attempting to handcuff, um, Suspect One, what were -
337 what ended up being his, uh, the father or the - or his name was [REDACTED] in the
338 report, what were his actions?
339
340 A: Uh, [REDACTED] um, at first was a little bit compliant. He was kind of willing to
341 speak to me, because I spoke Spanish. Um, at that point, once we put him -
342 once we put Suspect One in handcuffs and were putting him in the - in the
343 patrol vehicle, he then started to come towards me and, you know, basically
344 start, um, using profanities. I don't remember exactly what he was saying.
345 But, um, at one point I told him, "Let me put him in the car. Let me secure
346 him in the car and then I'll come talk to you." And he still then - he got within
347 - he attempted to grab my arm, grab my sleeve. And that's when I pushed him
348 back and said, "Hey you need to - you need to back up." And then, uh, at that
349 point I did draw my Taser out.
350
351 Q1: On - on the father.
352
353 A: On the father. I - I pointed the - I pointed the Taser at him.
354
355 Q1: Okay.
356
357 A: And then at that point he backed off. And I said, "I will talk to you when I'm
358 done." And let him know that. And I, you know, then secured my holster.
359 Because I had, um, Suspect One in handcuffs as well. And at that time that -
360 that seemed appropriate.

361
362 Q1: Was Suspect One resisting you guys, even though he was in handcuffs? Or...
363
364 A: Yes.
365
366 Q1: ...at that point?
367
368 A: Yes. He...
369
370 Q1: Okay.
371
372 Q: Um, when he goes to the ground and everybody rushes you, did anybody in
373 the group stand out above anybody else, in what they were doing towards the
374 deputies on scene?
375
376 A: From where I was at, in the - in, I guess the - the dog pile, it was - I was
377 attempting to secure his arm as he was resisting. I just remember the little boy,
378 um, I believe his name was [REDACTED] He's the one who really stood out to me,
379 because he was - he's the one who kind of came right up. And then I just kind
380 of saw everybody closing in, because I was on a knee.
381
382 Q: And you would describe that scene, as you were being dog piled on?
383
384 A: Yes. Which is why I called for Code-3 Cover.
385
386 Q1: Um, what other - so at this point when you - when you, um, you MacDonald
387 take, uh, Suspect One --for lack of a better term-- down to the ground, who
388 else was - was there any other, uh, Sheriff's Office personnel there? Any other
389 deputies at that time?
390
391 A: At that time, um, no. It was...
392
393 Q1: Other than (unintelligible)?
394
395 A: ...it was Deputy Foster and, um, Deputy MacDonald.
396
397 Q1: Okay.
398
399 A: At that time.
400
401 Q1: Okay.
402
403 Q: Do you recall, um, what ended up the mother of the juveniles -- [REDACTED] I
404 believe her name was-- do you recall her doing, or acting in a manner during -
405 when you took Suspect One to the ground?

406
407 A: No. The only time I came in contact with mother was when she - I - I had
408 basically secured Suspect One, um, in the car. I dealt with, um, Mr. [REDACTED]
409 And then I, basically, at that point was trying to assess the scene and see what
410 was going on, figure out where all my partners were, what they were doing,
411 what I could do to help. And I saw him, um, kind of in a - trying to struggle to
412 control her. So I immediately was like, "Okay I need to get over there." She
413 was, uh, moving around. So I said, "Okay". So I helped MacDonald put her in
414 handcuffs.
415
416 Q: Okay.
417
418 Q1: Did he tell you why he was trying to, uh, control her? Was she - I...
419
420 A: No.
421
422 Q1: ...what had happened prior to that? No?
423
424 A: No.
425
426 Q1: Okay. And you weren't aware. You didn't witness anything?
427
428 A: No.
429
430 Q1: Okay.
431
432 Q: And was, uh, and you said Suspect One was placed in a patrol vehicle?
433
434 A: Yes.
435
436 Q: Was it your patrol vehicle?
437
438 A: I believe so. It - it was so chaotic, I don't - I don't remember.
439
440 Q: Once he was placed in the patrol vehicle, did you get a chance to talk to the
441 father?
442
443 A: Uh, I attempted to. And then, uh, at that point the Sergeant was on scene. And
444 so I directed him, um, that my supervisor was on scene. If he had any
445 questions I would be more than willing to translate. And, um, at that point he
446 just had his phone out and was kind of saying, "I'm not talking to you. I'm
447 only giving you my name." And wouldn't - wouldn't give anything else other
448 than that.
449
450 Q: And how would you - how many people would you describe were out there

451 when the Sergeant showed up? And did any other deputies show up?
452
453 A: Uh, yes. I would say probably about four, four more deputies approximately.
454
455 Q: Okay.
456
457 A: Showed up.
458
459 Q: And, um, how many people were out, um, what did - what was - what was the
460 scene like when, um, after you placed him in handcuffs? What was the scene
461 like?
462
463 A: It was still chaotic and nobody was listening. And there was people
464 screaming. I do remember there was a teenage girl who was just screaming at
465 the top of her lungs for no reason. And she was just on - like almost on the
466 ground, just like that - that blood curdling scream.
467
468 Q: Did you get an idea when you were struggling with Suspect One to detain
469 him, what Deputy Foster was doing at the time?
470
471 A: Um, no, because I was busy dealing with - with that.
472
473 Q: Um, were you present when, uh, Suspect One was released from the patrol
474 vehicle and unhand-cuffed?
475
476 A: No.
477
478 Q: Do you know who released him?
479
480 A: I do not.
481
482 Q: Okay.
483
484 Q1: Do you - did you ever, um, so you speak Spanish?
485
486 A: Yes.
487
488 Q1: Did you ever try to, um, talk to Suspect One at all? Once he was secured in
489 the patrol vehicle?
490
491 A: No, I did not.
492
493 Q1: Do you know if anyone else did?
494
495 A: Um, I do not. I was, uh, because the little boy, [REDACTED]

496
497 Q1: Mm-hm.
498
499 A: ...um, for some reason, he had an - like an attachment to me. Or he was
500 willing to speak to me. And at that point I was trying to figure out what was
501 going on. So I had a lot of my focus on him. And kind of had to speak to him
502 in a different tone.
503
504 Q1: Okay.
505
506 A: You know while everything else was kind of going on.
507
508 Q1: Okay.
509
510 Q: Do you remember what Suspect did after he was released? Was he still a
511 problem on scene? Did he...
512
513 A: From, from what I remember after we were kind of wrapping everything up. I
514 remember he was outside of the vehicle and, again, attempted to try and get
515 his name. "Hey can I get your name real quick, just so I can put it in the
516 report? Just a first, last name? Maybe just your first name?" And he was just
517 like, "No. Fuck you. Fuck that." And pretty much was kind of around the area
518 just being boi- I guess boisterous.
519
520 Q: Okay.
521
522 Q1: But you never saw who released him, or when he was released? You just, um,
523 did you kind of just realize at some point he was out of the patrol car and not
524 handcuffed?
525
526 A: Yes. Because I was with the supervisor, trying to translate. And then also
527 dealing with the little boy.
528
529 Q1: Okay. Does, uh, Deputy Foster speak Spanish as well?
530
531 A: I don't think she speaks it fluently.
532
533 Q1: Okay.
534
535 A: I'm not 100% sure.
536
537 Q1: So you - do you think that you were the only person that spoke fluent Spanish
538 on - on scene at that time? The only Sheriff's office personnel?
539
540 A: I believe so.

541
542 Q1: Okay. Thank you.
543
544 Q: Did [REDACTED] did he react you and Deputy MacDonald handcuffing Suspect
545 One. Can you describe that? What his reaction was?
546
547 A: Um, he was the one that immediately was, just came charging, uh, like almost
548 like - the only way to describe it was that he was running and his arms were
549 behind his back. And he just was, like trying to just like dog pile.
550
551 Q: Did he jump on you or Deputy MacDonald, or, uh, Suspect One?
552
553 A: Being that it happened so fast, I do just remember I was worried about taking
554 care of my gun. Because I didn't know what he was doing. And again,
555 everything kind of happened really fast. But I do remember having my hand
556 on my gun, trying to do that. And then I - I believe I put my hand up. And I
557 was kind of yelling at him to get back.
558
559 Q: Did you see Deputy MacDonald detain [REDACTED]
560
561 A: I believe he was put in handcuffs.
562
563 Q: Okay. Um, did you observe or were you able to observe any of the force that
564 was used on, um, [REDACTED] by Deputy MacDonald?
565
566 A: No.
567
568 Q: Um, can you describe, uh, [REDACTED] size?
569
570 A: Um, [REDACTED] was a shorter, heavy set little boy. So probably maybe 4 feet,
571 Probably about 140, 160 pounds.
572
573 Q: Did you see Deputy MacDonald strike [REDACTED] or drive his face into the
574 ground?
575
576 A: No.
577
578 Q: Um, do you - did [REDACTED] ever complain to you, when you were dealing him,
579 of any injuries?
580
581 A: No. He was more worried about his dog.
582
583 Q1: His dog?
584
585 A: Yes.

586
587 Q: So he - he - he comes at the - at you and Deputy MacDonald detaining, what
588 we believe is his brother, in a manner of complete uncontrolled emotion. Is
589 that correct?
590
591 A: Yes.
592
593 Q: And then when he gets detained and you guys are able to try to figure out
594 what's going on, he's not talking about that at all? Or is he talking about that?
595 But he's talking about his dog?
596
597 A: Well that was after I had spoke to - when I kind of, the - the scene had calmed
598 down a little bit and I was able to speak to him. I was wondering what was
599 going on. Why - why was he upset.
600
601 Q: Okay.
602
603 A: And then he told me it was because he lost his dog.
604
605 Q: Okay.
606
607 A: Buddy. And then nobody in his family was looking for him.
608
609 Q1: Is that what he said started the whole incident? That, um, caused you guys to
610 get dispatched to his residence?
611
612 A: Yes. He said that he lost his dog and, um, he wanted somebody to look for
613 him. And that nobody was looking for his dog. And so, um, I told him that I
614 would help look for his dog. And he said he - he remembered I went to his
615 kindergarten class. And, obviously I never did. And...
616
617 Q: Did he speak...
618
619 A: ...so that's why...
620
621 Q: ...English or did he speak Spanish?
622
623 A: Uh, he spoke English.
624
625 Q: And was it - but did you - were you using both at the time with him to kind of
626 communicate even stronger? Or...
627
628 A: A - a couple words that he would use. Um...
629
630 Q: Okay.

631
632 A: ...just like for example for like living room. He would - he would change that
633 up to a common known Spanish word.
634
635 Q: Um, did you see any injuries on [REDACTED]
636
637 A: No.
638
639 Q: Okay. Um, do you know if he received any medical treatment or was evaluated
640 by - evaluated by AMR?
641
642 A: Um, at that point, I had told him that, um, you know he could play - play
643 police officer for a little bit. I secured - I closed the door and that's when I
644 went to, uh, help out with the Sergeant Oest.
645
646 Q: Okay. And then Deputy MacDonald took over, um, basically the interview of
647 [REDACTED]
648
649 A: Yes.
650
651 Q: Okay. Did AMR ever come into the scene at all? Or were they always just
652 kind of staged nearby?
653
654 A: I don't - I don't 100% remember.
655
656 Q: All right. Um...
657
658 A: I do know that AMR was called. But I don't remember, like seeing them on
659 scene.
660
661 Q: When you were discussing - when you were assisting Sergeant Oest, and you
662 were mainly using your Spanish. Correct?
663
664 A: Yes.
665
666 Q: Um, were you finding anyone or were people cooperative?
667
668 A: Not at all.
669
670 Q: Not at all.
671
672 A: They had secure the- themselves in their - their front yard had - their driveway
673 had a gate, like a rolling gate. They secured that and they let out a large pit
674 bull. And they were pretty much - I do remember a young girl saying, um,
675 "You can't come in my property. If you shoot my dog, um, it's your fault."

676 And, you know, so again trying to calm her down. Let her know we were
677 trying to do our jobs. And - and no one wanted to shoot her dog. And, um, but
678 I remember uh, [REDACTED] was not - not compliant at all.

679
680 Q: Who's [REDACTED]

681
682 A: I believe that was the - the...

683
684 Q: Father.

685
686 A: ...father.

687
688 Q: Father.

689
690 A: Yes.

691
692 Q: Okay. Did Sergeant Oest make announcements to the family asking if anyone
693 needed medical attention?

694
695 A: I believe so. Yes.

696
697 Q: And did you assist him by making those announcements in Spanish as well?

698
699 A: Yes.

700
701 Q: How did this call end? I mean how did you guys get out of there?

702
703 A: Uh, from what I remember, uh, Sergeant Oest was - just said that we don't
704 really have anything. Just write a report. And we just left.

705
706 Q: Okay. Um, I'm gonna ask about the crime report now. You had the
707 opportunity to read it, correct?

708
709 A: Yes.

710
711 Q: Okay. Um, the date of the incident was April 5 and you're on FTOs, so I
712 know you have a lot of reports and you get down on stuff. Um, the primary
713 report was submitted April 10. And the supplements were submitted April 11.
714 Um, why did it take you and Deputy Foster six days to write your
715 supplemental reports? What was going on for you?

716
717 A: Uh, I was just a very slow report writer.

718
719 Q: Did you read Deputy MacDonald's primary report before writing yours?

720

721 A: No.
722
723 Q: Um, how did you find out in - and in your report, I believe you - you, um,
724 called Suspect One as well. Right?
725
726 A: Yes.
727
728 Q: Yeah. So had you guys decided that - to - coming back to the inci- the
729 discussion of his identi- identification, um, not being known at the time, at the
730 scene, did, uh - were you aware of any - anything that Deputy MacDonald did
731 to try to identify who Suspect One was?
732
733 A: I don't remember. I just remember that that's what we normally use if we
734 don't have a - have a suspect or have a suspect's name. We usually use
735 Suspect One, Suspect Two.
736
737 Q: Okay. Did, um, was there any discussion with Deputy Foster or Sergeant Oest
738 regarding, um, in that six days, if MacDonald had - or was able to get the
739 identi- identity of Suspect One?
740
741 A: Um, none that I was privy to.
742
743 Q: When you read - oh so you didn't read Deputy MacDonald's report?
744
745 A: No.
746
747 Q: Okay. Did you know that Suspect One was a juvenile?
748
749 A: I don't believe so.
750
751 Q1: At the time did you think he was a juvenile?
752
753 A: I did not. I thought he was an adult.
754
755 Q: Thought he was an adult?
756
757 Q1: Is that because of his stature? I mean...
758
759 A: Just his size. Yes.
760
761 Q1: Okay. But you knew the, uh, the younger kid was actually a - a juvenile?
762
763 A: Yes.
764
765 Q1: Okay.

766
767 Q: Um, there is no photographs associated with any - with this report, any of the
768 supplements. Um, was that an issue on scene? Can you describe, um, if that
769 was addressed about photographs?
770
771 A: I believe uh, nobody wanted their nothing taken. And again, no one wanted to
772 cooperate. So, people weren't even willing to give names. So, photographs I
773 don't think was - was even a - an option.
774
775 Q: When you left the scene, did - did it appear as if anyone required any medical
776 attention or deputy sheriff's, uh, further at that house?
777
778 A: No.
779
780 Q: And that was the - that was from your time in patrol and your experience. But
781 did - did that also - was that from the Sergeant? Was that from FTO Foster?
782 Was that the consensus?
783
784 A: That was the general consensus. Nobody was - had large active bleeding or
785 you know, anything like that. Everyone appeared to be able to scream and
786 yell. And so I felt like that was...
787
788 Q: Okay. Um...
789
790 Q1: In- including the 17-year old? The...
791
792 A: Yes.
793
794 Q1: ...Suspect One?
795
796 A: Yes.
797
798 Q1: Okay.
799
800 Q: And, and that's one thing - it - he did tell you that he was 17 at any point?
801
802 A: I don't believe so. Again that scene was so chaotic. And it's been...
803
804 Q: Okay. Anything else to add?
805
806 Q1: Um, do you know if, um, anyone ever substantiated or - or, uh, disproved that
807 there was any child abuse that took place? Involving the 11-year old? Because
808 you said that was the original call.
809
810 A: Yes. Um, I - when I spoke to him I had - I remember I had asked him if he

811 was safe, if everything was okay. You know, is this why he was, you know,
812 panicking. And that's - that's what he told he was. Because again, because he
813 lost his dog. And that - that kind of set a trigger for him.
814

815 Q1: Okay. Did it appear to you, while you spoke with the 11-year old that he had
816 any kind of, um, mental incapacity or any issues?
817

818 A: Yes. Um, I - I felt like he was development- developmentally, um, challenged.
819

820 Q1: Okay. And that was from...
821

822 A: Just due to the fact that he was 11 years old and the way he spoke to me. And
823 the way he referred to his dog, like I already knew the dog.
824

825 Q1: Okay.
826

827 A: And, you know.
828

829 Q: Okay. When Deputy MacDonald, um, detained [REDACTED] did the mother ever
830 - did you - did you or anybody else uh, discuss his detainment with the
831 mother?
832

833 A: Um, no. Because, again we were - we got dog piled on. So everyone was just
834 kind of - kind of throwing handcuffs to - to attempt to (unintelligible)...
835

836 Q1: When was - when was the mother taken out of handcuffs?
837

838 Q2: What a minute, hold on. For the last question, you were asking about when
839 [REDACTED] was detained?
840

841 Q: Yes.
842

843 Q2: Not Suspect One. I think you were talking about Suspect One?
844

845 Q: Yeah, I'm talking [REDACTED] - 11-year old.
846

847 A: 11-year old [REDACTED]
848

849 Q: Yeah. Uh, my question really leads...
850

851 Q2: I just want to make sure (unintelligible).
852

853 Q: My question leads to, um, 'cause once you - everybody's detained, and before
854 Suspect One's released out of the vehicle. And [REDACTED] detained, and
855 you're dealing with him, did the mother or the family members - did they

856 show concern for him being detained in handcuffs?
857
858 A: For the 11-year old.
859
860 Q: 11-year old.
861
862 A: I remember they were upset about that.
863
864 Q: Okay. Do you remember what was said, or - or what gave you the impression
865 they were upset?
866
867 A: I just remember there was people screaming and, um, I - I don't remember
868 exactly what was said. Again, because there was so- there was so much going
869 on in that scene, it was - it was hard to just pinpoint on one thing because I
870 had individuals screaming at the top of their lungs at this point. I had to also
871 make sure that I was safe. My partner was safe. So.
872
873 Q: And it - and - and - you're describing a scene that really deescalated. At any
874 point did the scene deescalate to a point where you could communicate with
875 people?
876
877 A: Towards the end. And, um, but they still - it was never a, like we were gonna
878 communicate. We never had that - that - I guess relationship.
879
880 Q: Okay.
881
882 Q1: I was gonna ask that. So.
883
884 Q: All right.
885
886 A: And man- many attempts were made for that to, you know, but for the
887 Sergeant on scene and or myself. Tried to just say "Hey, look this is what's
888 going on. You know, I'm just trying to do our jobs. You know. This is why
889 we did, you know, this. And this is why people were put in handcuffs. You
890 know we're not here to try - try and be rude."
891
892 Q: Okay.
893
894 Q1: I think I asked, and I'm not sure you answered? Did you - do you remember
895 when the mother was let out of handcuffs? Do you remember?
896
897 A: Again, I do not. Um, be- because I was trying to focus on so much.
898
899 Q1: Okay.
900

901 Q: Uh, Doug do you have any questions?
902
903 Q2: Yeah. Um, so when you're talking to [REDACTED] in the car, did he display any
904 injuries whatsoever?
905
906 A: No.
907
908 Q2: So he was - you were called for a child abuse complaint. Did you seen
909 anything on him?
910
911 A: No.
912
913 Q2: That indicated he was victim of child abuse?
914
915 A: No.
916
917 Q2: Okay. Um, and then when you first go on scene and Deputy MacDonald was,
918 um, contacting Suspect One, and you approached, what was Suspect One's
919 demeanor, stance, posture all that stuff?
920
921 A: Um, angry. Um, yelling. And uh, once he came up, I said "Hey, hey calm
922 down." And he's all, "Fuck you man. I'll fight you too." And then, um, he
923 was kind of pacing back and forth. And...
924
925 Q2: So at that point did you feel like he was a threat to y- you and Off- or Deputy
926 MacDonald?
927
928 A: Yes.
929
930 Q2: Okay. So you elected not to pull your Taser. But would it - would it have been
931 improper for you to pull your Taser at any point?
932
933 A: No.
934
935 Q2: You didn't want to use it because of the situation. But you don't think it
936 would have been improper if you had used it?
937
938 A: Yes.
939
940 A2: Okay.
941
942 Q1: Um, just confirming. Did MacDonald have his Taser out at that point? Didn't
943 you...
944
945 A: Yes.

946
947 Q1: Okay. And - but he just re-holstered?
948
949 A: He re-holstered once I was on scene and I kind of let him know that I was
950 gonna go around to - to...
951
952 Q1: Okay.
953
954 A: So I wasn't put in that line of fire.
955
956 Q1: Okay.
957
958 Q2: That's all I have.
959
960 Q: Okay. This will conclude the interview. Um, actually do you have any else to
961 add? Yeah. Do you have anything else to add?
962
963 A: No I do not.
964
965 Q: Um, please do not discuss this case with anyone, especially potential
966 witnesses to this investigation. Do you understand this?
967
968 A: Yes.
969
970 Q: Pending the outcome of this investigation, you shall not talk about or discuss
971 this case or this investigation with any other persons or employees, except
972 your legal representative. Failure to abide by this order could result in a new
973 and separate allegation of insubordination, which if sustained could be cause
974 for termination. Do you understand this?
975
976 A: Yes.
977
978 Q: Okay. That will conclude the interview at 11:32.
979
980
981 The transcript has been reviewed with the audio recording submitted and it is an accurate
982 transcription.
983 Signed _____

INTERVIEW WITH DEP. AMY FOSTER

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Amy Foster

A1=Doug Foley

Q: Morning. This is Sergeant Doug Muse. I'm with my partner, Sergeant Dave Hall. We are speaking to Deputy Amy Foster and present is her RLS attorney, Doug Foley. This is in regards to IA2016-070. It is December 21, 2016 at 12:15. This in- interview is being digitally recorded. Are you okay with that?

A: Yes.

Q: All right. This is an administrative investigation and you have been identified as the subject of the investigation. You are to answer all questions completely and truthfully. Knowingly making false or misleading statements during the interview will be considered a separate offense that could lead to discipline up to and including termination. Do you understand this?

A: Yes.

Q: You received formal notice from me. Did you understand it?

A: Yes.

Q: Do you have any questions regarding its content?

A: No.

Q: Have you obeyed all the am- admonitions outlined in the formal notice?

A: Yes.

Q: And you have received a form titled Administrative Admonishment prior to this interview. Did you understand it?

A: Yes.

46 Q: Do you have any questions regarding its content?
47
48 A: No.
49
50 Q: Okay. How long have you been with the Sheriff's Office?
51
52 A: Uh, approximately ten years.
53
54 Q: And where are you currently assigned?
55
56 A: Uh, Patrol Division, Bay Station.
57
58 Q: And what shift is that?
59
60 A: Um, swing shift.
61
62 Q: Um, and was that the shift you were workin' April of 2016?
63
64 A: Yes.
65
66 Q: And you had a chance to read the crime report 16-5055...
67
68 A: Y-
69
70 Q: ...and all the supplements?
71
72 A: ...yes.
73
74 Q: Uh, were you on duty April 5th, 2016?
75
76 A: Yes.
77
78 Q: And was that on swing shift?
79
80 A: Yes.
81
82 Q: And what was your assignment?
83
84 A: I was assigned to Beat 3, El Sobrante.
85
86 Q: And you were with, uh, your trainee, Deputy Eierman?
87
88 A: Yes.
89
90 Q: During your shift, did you become aware of a detail at 1625 4th Street in

91 North Richmond?
92
93 A: Yes.
94
95 Q: Did you hear the details dispatched?
96
97 A: Yes.
98
99 Q: Do you remember the detail dispatch information?
100
101 A: Most of it, yes.
102
103 Q: Can you tell me what it was?
104
105 A: I believe it was a welfare check at the listed address. Um, a juvenile was, uh,
106 in an argument with his mother.
107
108 Q: Did you and Deputy Eierman start to the call right away?
109
110 A: Uh, as soon as it was dispatched to Deputy MacDonald, we attached as a
111 cover unit.
112
113 Q: Cover. Had you been to that residence prior to that?
114
115 A: No.
116
117 Q: Okay. Um, on April 25th, er, I'm sorry, April 5th, 2016, uh, when you arrived
118 what did you see when you arrived?
119
120 A: Um, I saw a house with a closed, um, sliding iron gate driveway and a
121 unidentified male, um, pacing in front.
122
123 Q: Okay. What was his demeanor and what did he - what did he look like?
124
125 A: Um, he was a Hispanic male. I was uncertain of his age. Um, he appeared
126 agitated, pacing, sweating, um, profusely, uh, highly irritated.
127
128 Q: Okay. Was there any deputies on scene when you two arrived?
129
130 A: No.
131
132 Q: Uh, what happened next after you guys arrived on scene?
133
134 A: Uh, Deputy MacDonald went to go contact that, um, same male. Um, Deputy
135 Eierman and I stepped out and went to go contact, um, a few individuals that

136 were in the driveway of the home.
137
138 Q: Um, backin' up a little bit, MacDonald and you - his patrol car and your patrol
139 car, you arrived 97 at the same time?
140
141 A: Pretty much.
142
143 Q: Okay. Did you...
144
145 Q1: Well, one other - I'm sorry, one other thing. When all the people that you
146 contacted initially, was this outside of the closed gate or was it inside?
147
148 A: Um, I, uh - I can't remember.
149
150 Q1: Okay.
151
152 Q: Did you Deputy Eierman for anything or did you guys just get - get involved?
153
154 A: We were just tryin' to figure out what was going on.
155
156 Q: A- and no other deputies on scene at this point?
157
158 A: None.
159
160 Q: Um, so from there, can you take it in a narrative form of kinda the sequence of
161 events of what happened?
162
163 A: Um, I do know through dispatch that there was a prior 5150, uh, the day prior,
164 um, so I knew that we were possibly going to have to deal with a mentally ill
165 subject, a juvenile, that was in the call history. Um, I was - MacDonald went
166 to go talk to that individual that was pacing. Deputy Eierman and I went to go
167 talk and I was held by -- excuse me -- I was, um, talking to a female who was
168 screaming, um, incoherently, um, sobbing, um, and I was tryin' to figure out
169 what she was trying to say. Um, at that point, I could see out of the corner of
170 my eye that, uh, Deputy MacDonald was being unsuccessful in trying to speak
171 to that first person that he contacted. Um, he kind of, uh, took a bladed stance.
172 His f- fists were balled. Um, I was pretty confident that he probably was going
173 possibly physically assault Deputy MacDonald, so I instructed Deputy
174 Eierman to go over and assist him. Um, I still wasn't able to get anything out
175 of that female that I was contacting. She was just sobbing and screaming,
176 saying that, you know, help her, um, and her brother, but I couldn't get
177 anything out of her.
178
179 Q: Um, we ever figure out who she was?
180

181 A: She was a sister of the, uh, juvenile [REDACTED] who ended up being the subject
182 of the mentally ill, um, assessment and she was also, I believe, the sister of the
183 male that Deputy MacDonald originally was contacting.
184
185 Q: Um, that male, for the purposes of my questions 'cause in the report, he's
186 identified as Suspect 1. We'll call him Suspect 1.
187
188 A: Mm-hm.
189
190 Q: Um, w- when Deputy Eierman went over, uh, can you describe what, uh, you
191 saw at...
192
193 A: I didn't...
194
195 Q: ...that point?
196
197 A: ...anything. I had - I w- she pulled me and I turned, so my attention was
198 focused completely on her tryin' to calm her down. I don't know what
199 transpired between Deputy MacDonald and Deputy Eierman with that - with
200 Suspect 1.
201
202 Q: So what's the next thing you see, then, with them?
203
204 A: Uh, the next thing I see is, uh - I look behind my shoulder and I see Deputy
205 MacDonald and Deputy Eierman on the ground with Suspect 1.
206
207 Q: Okay (unintelligible)...
208
209 Q1: As, um, as you're speaking with the - the female subject, was there any
210 concerns if she was possibly the victim of a - of a crime or?
211
212 A: Uh, she was speaking in Spanish. It was very difficult for me to ascertain what
213 she was saying. I couldn't translate because she was screaming and sobbing.
214
215 Q: Um, when you noticed Deputy Eierman and Deputy MacDonald on the
216 ground, what happened next?
217
218 A: Um, I immediately let - well, she had a - she grabbed on to my forearm, um,
219 and was pleading and I kind of, um, grabbed my arm back and I went over to,
220 um, assist, uh, Deputy MacDonald and Deputy Eierman.
221
222 Q: Okay, and, uh, did you see them - what were - what were they attempting to
223 do?
224
225 A: They were attempting to place him in handcuffs.

226
227 Q: Okay. Did you see any, uh, strikes or blows or anything?
228
229 A: No I did not.
230
231 Q: Was it more of a - uh, an - tryin' to get his - the subject, Suspect 1, into
232 control holds, uh, or...
233
234 A: It - it looked like he, um, was on top of him trying to, um, grab his hands from
235 underneath his body similar to what we do in defensive tactics, um, but
236 obviously there was a struggle and he wasn't cooperating.
237
238 Q: When y- you went over there, were you fairly close to them on the ground?
239
240 A: Um, I think I was maybe, mm, uh, less than a foot away.
241
242 Q: Okay. So within - within their proximity?
243
244 A: Mm-hm.
245
246 Q: Did the, um, rest of the residents or the area - or people in the area, did
247 anything happen with them?
248
249 A: Yeah. Um, the next door neighbors, um, as soon as they saw us on scene and
250 saw that the female sister was screaming, everybody started coming out to
251 look and see what was going on slowly. Um, other individuals - I d- I don't
252 know if they were relatives. I don't know if they were friends, um, started to
253 slowly creep out onto the street. Um, at one point, uh, I believe it - his name is
254 [REDACTED] uh, ran past me towards Deputy Eierman and Deputy, uh, MacDonald
255 and that's when I stepped in.
256
257 Q: Okay, and, uh, w- w- what did you think de- uh, [REDACTED] who we believe is
258 the father, correct?
259
260 A: Correct.
261
262 Q: What did - what did we think [REDACTED] was doing? What did you think?
263
264 A: I had no idea. All I knew is that, uh, Deputy Eierman's back was to him and I
265 didn't want him to get anywhere Deputy Eierman. I didn't know what he was
266 going to do. I didn't know, um, I had to protect my partner.
267
268 Q: Did you feel like [REDACTED] was a threat to Deputy Eierman?
269
270 A: Absolutely.

271
272 Q: Okay. Um, and then what did you do to Mr. [REDACTED]
273
274 A: I gave him commands to step back. H- uh, he did not listen and I grabbed him
275 by his shirt and, uh, pulled him backwards, um, and then pushed him, telling
276 him to - to get back, um, and h- he complied slightly, but still, um, seeing as I
277 was the only deputy who was not, um, I guess, preoccupied or not in...
278
279 Q: Engaged.
280
281 A: ...engaged -- thank you -- engaged, um, with anybody, there was no way I
282 could control the amount of individuals that were starting to creep and
283 surround us.
284
285 Q: Um, can you describe with Deputy Eierman and Deputy MacDonald on the
286 ground attempting to handcuff the, uh, Suspect 1, and you have [REDACTED] which
287 you're engaged with and dealin' with [REDACTED] can you describe the number of
288 people and how close they were to the rest of you guys inside that little circle?
289
290 A: I would say it was in excess of ten people. Um, they were m- no more than a
291 couple feet away. Um, they were not complying with m- my yelling them to
292 get back and at that point, um, I heard Deputy Eierman call for Code 3 cover.
293
294 Q: And was this group - what was the demeanor of the group? What were they
295 saying? What did...
296
297 ((Crosstalk))
298
299 Q: ...you feel?
300
301 A: They were very angry. They were yelling. Um, again, they were yelling in
302 Spanish. Um, they were trying to tell us, you know, let, uh - you know, leave
303 him alone, leave him alone, if I remember, um, but it was more than the three
304 of us could handle.
305
306 Q: Okay. Um, I'm gonna talk - I'm gonna ask you some specific questions about
307 that little part of, uh, what you saw of, um, Deputy Eierman and Deputy
308 MacDonald, uh, trying to handcuff, um, Suspect 1. Um, did you think that
309 they could've used a taser on - in this situation?
310
311 A: Um, it's possible, yes.
312
313 Q: Do you feel like a taser woulda been effective or would it have escalated the,
314 uh, environment?
315

316 A: Uh, it's hard to say.
317
318 Q: Do you know that if at any point in this incident, um, did Suspect 1 later
319 complain of any injuries or complain of any pain?
320
321 A: I don't recall.
322
323 Q: Did you see any injuries on him?
324
325 A: Um, he had a couple scrapes to his chin, if I remember.
326
327 Q: Okay. Do you know if those happened prior to the deputies comin' on scene
328 or during the incident?
329
330 A: I don't know.
331
332 Q: Do you know if Suspect 1, um, was treated - medically treated or evaluated by
333 AMR?
334
335 A: Um, I called AMR and I believe it was offered, yes.
336
337 Q: Did AMR ever come into the scene and actually contact you guys as deputies,
338 hey - hey, what do you got?
339
340 A: Yes, after we established that the scene was Code 4...
341
342 Q: Okay.
343
344 A: ...'cause they don't come into scenes that are not safe.
345
346 Q: All right. Um, do you remember contactin' the mother at all? I believe her
347 name's [REDACTED]
348
349 A: Um, I remember, uh - I believe I opened the door s- when she was ultimately
350 un-handcuffed by Deputy MacDonald, but that was my only...
351
352 Q: Okay. Were you surprised the Deputy Eierman called Code 3 cover?
353
354 A: No I was not.
355
356 Q: You felt that was appropriate for the situation?
357
358 A: Absolutely.
359
360 Q: Um, was Suspect 1 placed in a patrol vehicle?

361
362 A: Yes.
363
364 Q: Were you present when Suspect 1 was released from the patrol vehicle?
365
366 A: Yes.
367
368 Q: Who released him?
369
370 A: Um, I believe it was Deputy MacDonald, but I'm not certain.
371
372 Q: Okay, but you recall him bein' released from handcuffs?
373
374 A: Yes.
375
376 Q: Okay. Do you know why he was released?
377
378 A: I - that would be a question for Deputy MacDonald and Sergeant Oest.
379
380 Q: Um, why Sergeant Oest?
381
382 A: He was the supervisor on scene.
383
384 Q: 'Kay. Do you remember Sergeant Oest directing Deputy MacDonald to
385 release him?
386
387 A: No.
388
389 Q: Do you remember anybody directing Deputy MacDonald to release him?
390
391 A: I just remember Deputy Oest asking "what do we have" in a sense do we...
392
393 Q: Sergeant - Sergeant...
394
395 A: ...ha...
396
397 Q: ...Oest?
398
399 A: I'm sorry, Sergeant Oest, "Do we have a crime?" He kept asking Deputy
400 MacDonald, you know, "What are we doing here? Let's figure this out."
401 That's all I remember.
402
403 Q: Uh, did ya ever learn that he was - uh, Suspect 1 was released without bein'
404 positively identified?
405

406 A: All I know is that they were un- very uncooperative and wouldn't give us their
407 names.
408
409 Q: Um, did you - was it possible to come to the realization that, uh, he wasn't
410 cleared medically either by, uh, AMR?
411
412 A: I don't recall.
413
414 Q: He - was it your recollection that he was offered medical?
415
416 A: It was, yes.
417
418 Q: Do you remember by whom?
419
420 A: No.
421
422 Q: What gives you the re- um, the impression that he was offered medical?
423
424 A: AMR was on scene. Um, I assumed that they had taken a look at everybody. I
425 know that they assessed, uh, [REDACTED] for 5150 and determined that he was
426 not, um, a danger to himself or others or meet that criteria, um, and AMR's
427 pretty thorough as if - asking if anybody else needs anything before they leave
428 the scene.
429
430 Q: Do you remember Sergeant Oest, uh, makin' announcements to the family
431 about, "Does anybody need medical?"
432
433 A: Uh, yes, he tried several times to get cooperation with them and they refused.
434
435 Q: And Dep- do you recall Deputy Eierman makin' those same announcements,
436 uh, in Spanish?
437
438 A: Yes.
439
440 Q: Do you - when Suspect 1 was released, what did he do, do you remember?
441
442 A: I think he immediately went over to give his brother a hug, [REDACTED]
443
444 Q: Okay. Did we ever learn what the, um, fight was prior or what the, uh...
445
446 A: In reading Deputy MacDonald's report, um, I learned that [REDACTED] had lost
447 his dog, um, and was very, very upset and the family would not let him leave
448 to go look for the dog. So as a result, he started to, um, bother and harass his
449 mother by following her around the house. That's the extent of what I know.
450

451 Q: And, uh, was it ever determined why Suspect 1 was so agitated in front of the
452 house?
453
454 A: Uh, I think because he was upset that his brother had, um, tried to f- hurt his
455 mother.
456
457 Q: Okay. Did you see [REDACTED] um, while Deputy Eierman and Deputy
458 MacDonald were attempting to handcuff Suspect 1, which we believe is his
459 brother, um, did you see [REDACTED] interject himself into that?
460
461 A: Yes.
462
463 Q: What did he do?
464
465 A: Um, he was crying hysterically and he ran and tried to lay on top of his
466 brother.
467
468 Q: And did you see Deputy MacDonald detain him?
469
470 A: Uh, I don't remember, but I do know he was detained.
471
472 Q: Okay. Did you see, um, can you describe, uh, [REDACTED] size? Is he - is he a
473 larger 11-year-old or?
474
475 A: He's very, um, portly, robust, if you would say, big boned 11-year-old.
476
477 Q: Okay.
478
479 A: If that's the term.
480
481 Q: Did you, um, were you able to see Deputy MacDonald, um, strike, uh,
482 [REDACTED] at all?
483
484 A: No, not at all.
485
486 Q: Um, did you see if he drove [REDACTED] face into the ground?
487
488 A: No.
489
490 Q: At any point after this incident, did [REDACTED] complain of any injuries?
491
492 A: Uh, no.
493
494 Q: And did you see or observe any, uh, injuries on [REDACTED]?
495

496 A: No, he was just, um, sobbing and crying. That's all I remember.
497
498 Q: Um, and when you dec- you - you mentioned that, uh, [REDACTED] was evaluated
499 by AMR, Deputy MacDonald, um, did Deputy MacDonald clear [REDACTED]
500 from the 5150?
501
502 A: I don't know.
503
504 Q: Okay. Did you see AMR physically with [REDACTED]?
505
506 A: Yes.
507
508 Q: Okay, and so they were assessing him. Um, do you know what they were
509 assessin' him for?
510
511 A: 5150.
512
513 Q: Okay. Does AMR assess 5150s or do deputy sheriffs?
514
515 A: Deputy sheriffs, however, they were making sure that he - he was okay and
516 that he didn't w- wanna hurt or...
517
518 Q: So they were following up and - and...
519
520 A: Yes.
521
522 Q: ...and, uh...
523
524 A: Correct.
525
526 Q: ...covering all the bases?
527
528 A: Yes.
529
530 Q: Uh, can a juvenile of [REDACTED] age refuse medical or would it be more
531 appropriate to attempt to contact a parent?
532
533 A: More appropriate to contact a parent.
534
535 Q: And to your knowledge, did the parents of [REDACTED], uh, refuse medical, for
536 lack of a better term, or d- did they cooperate...
537
538 A: They're...
539
540 Q: ...in such a way that...

541
542 A: ...they refused to speak with us. They didn't want anything to do with us. Um,
543 we attempted to get their names, we attempted to make sure everybody was
544 okay. Um, they refused. Sergeant Oest made several attempts as well. They
545 wanted nothing to do with us and they closed the wrought iron gate that I
546 initially spoke of when the interview started. Uh, Deputy Eierman, uh, tried to
547 use Spanish, um, as hopefully a w- a - a way to speak to them. They refused.
548
549 Q: Uh, did you conduct any of the interviews?
550
551 A: Uh, no. I allowed Deputy Eierman to.
552
553 Q: And, um, even - and do you speak Spanish?
554
555 A: Uh, I'm proficient. I don't speak it fluently.
556
557 Q: Okay. So you have a - a basic understanding of Spanish?
558
559 A: Yes.
560
561 Q: Um, not a department...
562
563 A: No.
564
565 Q: ...paid...
566
567 A: No.
568
569 Q: ...uh, to speak Spanish? Okay, but from your understanding of Spanish and -
570 and - were the people being interviewed cooperative with Deputy Eierman?
571
572 A: Absolutely not.
573
574 Q: How'd this call end?
575
576 A: Um, I asked Deputy MacDonald if he needed anything else. Um, he stated he
577 did not. Um, since he was primary, everybody was un-handcuffed and, um,
578 allowed to go, released on scene.
579
580 Q: And Sergeant Oest was there through the end of the call?
581
582 A: Yes.
583
584 Q: Did, uh, your team debrief this call at all?
585

586 A: Mm, we just made sure that we knew what we were all going to be writing
587 and documenting. Um, that was the extent of it.
588
589 Q: Okay. Did - okay. Um, now I'm gonna ask a couple questions about that...
590
591 A: Sure.
592
593 Q: ...documentation part...
594
595 A: Sure.
596
597 Q: ...and then, uh, we're almost done, okay?
598
599 A: Okay.
600
601 Q: So, um, you had the opportunity to review the DRs associated with this case,
602 correct?
603
604 A: Yes.
605
606 Q: Uh, the date of the incident was April 5. The primary report was submitted by
607 Deputy MacDonald on April 10 and then the supplements were on April 11th.
608 Um, can you explain the time difference between April 5 and April 11 when
609 you guys wrote your supplements?
610
611 A: Um, Deputy MacDonald, um, is at a different station house. He is primarily at
612 a valet station. I don't know what reports he had pending that...
613
614 Q: I'm talkin' about just from your guys' point of view.
615
616 A: Oh, from mine?
617
618 Q: Yeah.
619
620 A: Um, we had to wait 'til the primary was done and the Deputy Eierman, um,
621 during his phase of training, is a extremely slow report writer. He has a lot of
622 deficiencies, um, so it took him a very long to write reports.
623
624 Q: And you work with him on his reports?
625
626 A: Yes.
627
628 Q: Uh, did you read Deputy MacDonald's primary report?
629
630 A: I briefly glanced at it.

631
632 Q: Okay, and did it coincide with how you understood the facts?
633
634 A: Uh, no it did not as far as the names are concerned. The names, I think, are
635 mislabeled here in his report.
636
637 Q: Okay.
638
639 Q1: But what about how the sequence...
640
641 A: The contents...
642
643 Q1: ...of events?
644
645 A: ...the flow, y- uh, yes. The events, yes.
646
647 Q: And - and I - and the question should be phrased, w- when you guys were
648 writing your supplements, did you read the report and - and confer with the
649 report - not confer with it, but did you kinda see that his primary was done and
650 when you read it, did it kinda jive with how you understood the events at that
651 time?
652
653 A: I briefly glanced at Deputy MacDonald's report. I instructed Deputy Eierman
654 to read Deputy MacDonald's report before he put the final touches on his.
655 Whether or not he did that, I do not know. I instructed him to. I can't, you
656 know, um, make decisions for him. Um, I did read his report, Deputy
657 Eierman's report. It, um, was a - a decent report and then I followed up with
658 mine.
659
660 Q: Okay. Um, do you think it's strange that Suspect 1 was not identified?
661
662 A: I know that attempts were made to identify him. Um, again, we asked
663 identification. We weren't given any from the, um, family members. I know
664 that Deputy MacDonald, um, did try through different, uh, resources that we
665 have available to us, try to identify him, but could not.
666
667 Q: You discussed in, like, computer resources?
668
669 A: Yes...
670
671 Q: Um...
672
673 A: ...in RMS, ARIES, um...
674
675 Q: Okay.

676
677 A: ...things through dispatch because we had the last name of [REDACTED] from the
678 father and we had [REDACTED] from the mother. We tried to use different, um,
679 things but were unable to.
680
681 Q1: Was there...
682
683 Q: And...
684
685 Q1: ...ever any - any discussion to arrest Suspect 1 for the, uh, altercation with the
686 - with the deputies?
687
688 A: I don't think that was, um, something that was discussed, no.
689
690 Q: Um, you aware of any of - uh, reason why these reports don't contain any
691 photographs?
692
693 A: The family wouldn't allow us to take photographs.
694
695 Q: Okay. When you were discussin', um, Deputy MacDonald was usin', uh,
696 resources to try and identify and you're talkin' about the names and puttin'
697 'em together, that was that shift? That was the remainder of that shift?
698
699 A: Yes.
700
701 Q: Did you communicate with Deputy MacDonald at any point from after that
702 shift until you guys got your reports finished about the Suspect 1 identity?
703
704 A: No.
705
706 Q: Okay. Do you know if Deputy MacDonald asked any of the, uh...
707
708 A: Mm-mm.
709
710 Q: ...uh, Bay Station deputies, like a Paul Unit or anybody if they know who
711 lived at the residence?
712
713 A: Um, I only know that Deputy Lewis, (Maurice Lewis), was the one that
714 placed, uh, [REDACTED] on a [REDACTED] hold the day before, so that's the only Paul
715 Unit that I know that would have had contact with...
716
717 Q: The family?
718
719 A: ...um, the family, yes.
720

721 Q: Okay. You got any other questions?

722

723 Q1: No.

724

725 Q: Um, do you have anything else to add?

726

727 A: Um, only thing I can say is that was an extremely chaotic scene, um, and
728 unfortunately there wasn't a lot of delegation, um, but it's difficult when a
729 family is unwilling to answer questions, unwilling to give names. Um, you
730 know, you ask 'em a question and they say "fuck you," um, and that's the
731 English not Spanish version, um, so, um, it's - we did the best that we could in
732 - in the situation. We had a supervisor on scene. That supervisor piggy-backed
733 our decisions and unfortunately, um, you know, we weren't able to gather the
734 name of the suspect, but we did what we were supposed to do. That's all.

735

736 Q: Doug, do you have anything?

737

738 A1: No.

739

740 Q: Okay. That's gonna - lemme read this real quick. Please do not discuss this
741 case with anyone, especially a potential witness to this investigation. Do you
742 understand this?

743

744 A: Yes.

745

746 Q: Pending the outcome of this investigation, you shall not talk about or discuss
747 this case or this investigation with any other persons or employees, except
748 your legal representative. Failure to abide by this order could result I a new
749 and separate allegation of insubordination which, if sustained, could be cause
750 for termination. You understand?

751

752 A: Yes.

753

754 Q: All right. That'll conclude the interview. The time is 12:41.

755

756

757 The transcript has been reviewed with the audio recording submitted and it is an accurate
758 transcription.

759 Signed _____

INTERVIEW WITH DEPUTY CHAD MACDONALD

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Chad MacDonald

A1=Atty. (Doug Foley)

14 Q: Sergeant Douglas Muse with my partner, Sergeant Dave Hall, we are speaking
15 with Deputy Chad MacDonald. His RLS representative is, ah, Attorney (Doug
16 Foley). This is in regards to IA2016-070. It is December 21st, 2016 at 1310
17 hours. Uh, this interview is being digitally recorded, you okay with that?

19 A: Yes.

21 Q: This is an administrative investigation , you have been identified as the
22 subject of the investigation. You are to answer all questions completely and
23 truthfully. Knowingly making false or misleading statements during the
24 interview will be considered a separate offense that could lead to discipline up
25 to and including termination. Do you understand this?

27 A: Yes.

29 Q: You received a formal notice from me. Did you understand that?

31 A: Yes.

33 Q: Do you have any questions regarding its content?

35 A: No.

37 Q: Have you obeyed all admonitions outlined in the formal notice?

39 A: Yes.

41 Q: You received a form titled Administrative Admonishment prior to this
42 interview, did you understand it?

44 A: Yes.

46 Q: Do you have any questions regarding its content?
47
48 A: No.
49
50 Q: Start with some background questions. How long have you been with the
51 office of the sheriff?
52
53 A: Uh, six years.
54
55 Q: And where are you currently assigned?
56
57 A: Uh, patrol on Valley Station.
58
59 Q: Uh, what shift?
60
61 A: Uh, w- uh, (unintelligible) orange.
62
63 Q: Um, what shift did you work in April 2016?
64
65 A: Uh, gold team base station.
66
67 Q: And you confirmed you had a chance to read the reports associated with this
68 case, 16-5055?
69
70 A: Yes.
71
72 Q: Were you on duty April 5, 2016?
73
74 A: Yes.
75
76 Q: What shift was that?
77
78 A: Uh, swing shift A station.
79
80 Q: Was it an overtime shit for you?
81
82 A: It was - yeah, before overtime.
83
84 Q: During your shift, did you become aware of a detail at 1625 North 4th Street
85 in North Richmond?
86
87 A: Yes, I did.
88
89 Q: Did you hear the detail dispatched?
90

91 A: Yes.
92
93 Q: Do you remember the dispatch information?
94
95 A: Yes, I do.
96
97 Q: Can you tell me what it was?
98
99 A: Sure. Originally it was a welfare check at the listed address. Um, it was a lotta
100 confusion for the dispatcher, uh, it was a lot of Spanish being spoken, couldn't
101 quite fully understand what was going on at that location but, uh, there was a -
102 a somebody inside the house, a - a female, unknown female that was calling
103 and saying that her brother was, uh, bothering everybody and essentially she
104 needed some assistance.
105
106 Q: Did you start to the call right away?
107
108 A: Uh, yes I did.
109
110 Q: Had you been to that residence prior to this call?
111
112 A: No.
113
114 Q: Um, as you arrived at the address 1625, uh, what'd you see when you pulled
115 up?
116
117 A: Um, when I - when I immediately pulled up, I stepped outta the vehicle. Um, I
118 saw a young Hispanic male, uh, walking away from the residence. Um, due to
119 the nature of the call, which, you know, during that initial call was welfare
120 check, um, it later came back that there was somebody in the residence that
121 was, uh, possibly being assaulted with a belt, so I updated my response to
122 code three. There wasn't a lot of details about it, um, just that there was a
123 struggle, um, and that there was a mother - a mother and father that were
124 assaulting a juvenile. Uh, I walked - so as I get outta the car, there's a young
125 Hispanic male walking away from the - the address. Um, I said hey, stop and
126 he's kinda continues to walk. He stops saying we need to talk to you. Um, I
127 could already tell that he has - as he turns towards me, he has some blood on
128 his chin, um, he seems pretty agitated, um, he's kinda sweating, uh, looks like
129 he was - to me looked like he was just involved in a physical altercation in the
130 house. Asked, um, asked him to stop and sit down, um, he tells me he's not
131 gonna stop and sit down and I tell him, hey, we're here because we're
132 investigating, you know, a possible physical altercation in the house, um,
133 you're not free to leave until you talk to us. Um, at that point he - he kinda
134 says, you know, well - he says, "Fuck you," um, "I'll fight you right here,"
135 and at that point it's like I - we adv- I - I told him to turn around and place his

hands behind his back. Um, he didn't. Uh, he balled his fists up, kinda clenched 'em up in front of his face, um, he was standing up at this time and he kinda walked towards us. Um, at that point, you know, withdrew my Taser, um, held it down by my side. I wasn't, you know, at this point it was like okay, it was aggressive move, uh, seemed like, you know, usually to me that means a, you know, a physical altercation's gonna happen. Uh, wasn't quite sure of his intentions at this point. Um, still refusing to obey our - obey my commands to place his hands behind his back, um, he still has his fists balled up in front of his face. Um, my partner, uh, re-arrived at the scene. Uh, we kinda confront him, uh, he's still refusing to do what we ask. I put the Taser away and we end up, uh, trying to gain control of him and place him in handcuffs.

Q: Um, and he was walking away, wasn't pacing in front of the house, he was walking away more or less right outside was your impression?

A: Yeah, he's - my impression was that he was trying to walk away from the house. Um, I think initially when - I remember initially when we first got there, was some pacing, um, right in front kinda like walking back kinda lookin' down, um, you know, upset visually upset. Agitated. And I think at the point where I asked I'm to sit down, um, he was about to walk, he was trying to walk away at that point like I'm not gonna talk to you guys, um, I'm leaving essentially is what I got from that.

Q: Did, uh, you use any force to detain him? We'll call him suspect one for the purpose of the questions, okay?

A: Okay.

Q: Did you use any force to detain suspect one?

A: Uh, yes, I did.

Q: Can you describe that?

A: Uh, yes, um, I took control of his left side, um, which was closest to me at the time. Uh, from- performed, uh, twist u- or wrist lock, uh, control hold on him, um, my partner - well yeah, I took - took control of his left hand, uh, placed it in a twist lock control hold. Um, my partner, Deputy Eierman took control of his right hand, the right side of his body, uh, p- tried to place him, um, in the same kinda hold. Um, we attempted to put handcuffs on him. Uh, he was kinda shakin' his body back and forth, um, wasn't easy to get control of his hands behind his back. Uh, we ended up forming a - like, so we take legs - we take down on him, um, and we're able to gain control of his - his hands and then place him in handcuffs.

181
182 Q: When you, um, had his left side, uh, did you see what Deputy Eierman was
183 doing on the right side?
184
185 A: Uh, essentially the same thing.
186
187 Q: Okay. Um, can you describe suspect one's size compared to your own and
188 Deputy Eierman?
189
190 A: Uh, he's about my size, um, probably 140, 150 pounds. I'm 5'6" so he was
191 close to 5'6", um, yeah.
192
193 Q: Um, while you had him down and were attempting to handcuff him, was he
194 struggling with you on the ground?
195
196 A: Uh, moving his body side to side.
197
198 Q: Okay. Did you strike suspect one in the face?
199
200 A: No.
201
202 Q: Did you drive his face into the ground when you guys leg swept him?
203
204 A: No.
205
206 Q: How did he end up, um, can you describe in a little bit more detail when you
207 took him to the ground, um, did you lose - if you - how - how it went?
208
209 A: Sure. Um, initially we were just trying to put him in handcuffs standing up,
210 um, 'cause he was kinda moving side to side and he was agitated and we
211 performed leg sweep takedown. I never let go of his body. Um, he was
212 essentially kinda brought to the ground. Uh, I ended up, you know, like a
213 kneeling position, um, so as kind of he drove forward, it's like I bent down to
214 kind of support his weight. Um, he was placed on the ground and continued to
215 be handcuffed in no time, yeah.
216
217 Q1: Go ahead, were you saying, um, that did, uh, is there any possibility his face
218 slammed against the ground or anything?
219
220 A: I know I had a g- had a pretty clear view of him and his face at that time, I did
221 not see his face bounce off the ground or violently hit the ground in any way.
222
223 Q: Um, when you guys took him to the ground, what happened next?
224
225 A: Uh, as we attempted to get him in handcuffs, um, at this point, uh, the father -

226 I don't - want me to...
227
228 Q: [REDACTED] we'll call him [REDACTED]
229
230 A: [REDACTED] um, was already outside. Um, at - at that point we - I think we
231 actually had him in handcuffs at that point. The father came up, running up to
232 us, um, my back was kinda turned towards the house, um, and it was like, you
233 know, he gets my attention 'cause he's yelling, "You have the wrong son," he
234 gets my attention and I'm like, hey, you need to stop, you need to stop right
235 there, basically get back, get back, stop. Um, Deputy Foster's standing t-
236 closest to me and she's kind of able to see what's going on and kinda drives
237 'em back. Um, which gets him away from us so we could safely handcuff, uh,
238 suspect one. Um, at - you want me to keep going?
239
240 Q: No.
241
242 A: Okay.
243
244 Q: Um, that's fine. If you need to keep going, go ahead.
245
246 A: Uh, no.
247
248 Q: Okay. Um, how many people were on the street when you guys first got there?
249
250 A: Uh, I think there w- there were several women in the driveway of the
251 residence. Um, I - I couldn't tell you how many exactly, more than one. Um,
252 female. Uh, I didn't see any other males at that time, um, just the - the suspect
253 one that we contacted kind of out front of the house.
254
255 Q: And when you guys took suspect one down to the ground, did more people
256 show up?
257
258 A: Um, I'm not sure how many people came outta the house, but yes I was -
259 more people came - came on - came onto the scene.
260
261 Q: Did they try to interject themselves into your scene?
262
263 A: Uh, yes.
264
265 Q: Can you describe that?
266
267 A: Uh, the f- the fathers - was the first person, uh, that came. Um, he was kinda
268 driven back. Uh, as I turned my attention back towards, um, back towards
269 cuffing and standing up suspect one, uh, just out of kind of nowhere literally,
270 uh, there's another subject that runs and kinda jumps on top of, uh, suspect

271 one's back, you know, it - didn't have much time to identify who it was but he
272 was already there, uh, immediately it's like I have to reach over, I'm like, well
273 this is clearly you're - you're gonna be a, you know, you're an issue, you're
274 obstructing, you're delaying us from standing up suspect one and getting him
275 dealt with. I put him in handcuffs, placed him right next to - right next to -
276 down next to, uh, suspect.

277
278 Q: Okay and that subject ended up being [REDACTED]

279
280 A: Correct.

281
282 Q: Um, at any point when you were trying to cuff him did you hear Deputy
283 Eierman call for Code 3 cover?

284
285 A: Yes.

286
287 Q: Uh, did that surprise you that he called for Code 3 cover or...

288
289 A: S- slightly. Um, being in a physical would have probably been appropriate,
290 um, and I blame myself - I - I take responsibility for that. Uh, I just didn't have
291 time to reach up to the radio at that time, I was trying to call the first suspect
292 initially. Uh, we don't have him - I think we're still standing up at that point,
293 um, yeah and I hear him, he's like, "Code 3, cover." You know, so we're -
294 we're still - we're in the physical altercation at this point 'cause the code was
295 called. Uh, I'm not gonna cancel it, you know, I don't know, uh, it's - it's
296 appropriate I think, you know, in a situation, uh, it was just three of us there at
297 the time and it was already chaotic so...

298
299 Q: And what do you mean by chaotic? Can you describe it a little bit, like how
300 loud it was, what were they saying?

301
302 A: It - it was loud. People were just screaming, um, crying, screaming, the
303 women were screaming and scry- screaming and sc- scr- screaming and crying,
304 excuse me. Um, almost, you know, you could hear that initially as you get
305 outta the car, um, and then they never really stopped and it just got - it just -
306 and when the males joined in later, it was just kinda the same thing.

307
308 Q: And, um, when [REDACTED] jumped on what - what you believe is his brother's
309 back...

310
311 A: Mm-hm.

312
313 Q: ...um, can you describe the force you used to control him?

314
315 A: I - I wasn't even sit - I don't - I was not sitting up at that time, I was still on

316 my knees, still so I literally, you know, you need to get back. He's not
317 listening. I take his hand, I put some h- I get - basically I twist up his - I just
318 kinda pull his, uh, left hand behind his back, uh, put the handcuff on his left
319 hand and then pull the right hand behind his back and cuff him myself.
320
321 Q: And in your report, do you describe that as you drove his - used your weight
322 to drive him into the ground, can you describe that action?
323
324 A: Right. Um, he - he was - so we were trying to stand up suspect one, it's k- we
325 were kinda moving forward, uh, [REDACTED] (unintelligible) trying to stand
326 him up, kinda like leans forward on him, on top of the back of, uh, suspect
327 one. So it's like his body weight's going forward. I'm literally just - I put
328 handcuffs on him to kind of just use his body weight to place him on the
329 ground.
330
331 Q: Okay. Did [REDACTED] land on his face at all?
332
333 A: No.
334
335 Q: Did you strike [REDACTED] in the face?
336
337 A: No.
338
339 Q: Did Deputy Eierman strike [REDACTED] at all?
340
341 A: No.
342
343 Q: All right. Let me see where I am, one second.
344
345 Q1: You said that when [REDACTED] arrived on in - in - you know, kind of threw
346 himself on top of his brother, um, you didn't really have time because it
347 happened so fast to identify him or anything?
348
349 A: No, I - I, you know, I knew...
350
351 Q1: Did you...
352
353 A: I - no, I didn't identify - I don't know who he was, um, by the time I even saw
354 him and heard him, uh, he was already, his face was facing basically down on
355 - on suspect one's back, you know?
356
357 Q1: Okay.
358
359 A: I could tell he was a juvenile, I mean I could tell he was a - he was a bigger
360 juvenile, you know? Kind of yeah, just a larger kid. Um, but he surprised me

361 to be there, I didn't, you know, it was kind of just like whoa, you know, he's -
362 he's there.

363
364 Q1: Okay.

365
366 Q: When [REDACTED] jumped on his back, was there anybody else who was within
367 one step or one arm's distance away from you three?

368
369 A: Um, us three?

370
371 Q: The...

372
373 A: No, Foster - Foster would - had stayed, uh, kinda consistently. Um, to my -
374 my left side, um, and I - I don't - I didn't see what she was doing, I didn't, you
375 know, I knew she was helping to get the father back, I don't know if the -
376 [REDACTED] snuck around or whatever.

377
378 Q: What I'm saying is was anybody else in the crowd? Were you feeling like you
379 were being compressed...

380
381 A: Oh yeah, yeah, I think the father was still - the father was consistently trying
382 to get in there. Um, right up next to - to me and Deputy Eierman. Um, and the
383 women were still a factor but I don't know how close they were to me.

384
385 Q: Okay, and you don't know how close they were to you because your focus
386 was...

387
388 A: Completely on trying to gain control of suspect one and then, uh, [REDACTED]

389
390 Q: Uh, during the incident, did you think of using your Taser on either suspect
391 one or [REDACTED]

392
393 A: Did I use it?

394
395 Q: Did you think of using it?

396
397 A: Uh, in the initial contact with, uh, suspect one and because he was so agitated,
398 um, because there was a possible use of weapon in the house and, you know,
399 and being almost, you know, at the point where he was basically threatening
400 or, uh, saying he was gonna fight us, I - I drew it out for a second. Um, and
401 then I put it down once we were gonna go hands on and decided to go that
402 route.

403
404 Q: Uh, was suspect one placed in a patrol vehicle?
405

406 A: Uh, yes, he was.
407
408 Q: And were you present when suspect one was released from the patrol vehicle?
409
410 A: No.
411
412 Q: So who released suspect one?
413
414 A: I have no idea.
415
416 Q: Um, did it surprise you that suspect one was released?
417
418 A: Absolutely.
419
420 Q: Why?
421
422 A: Because of still investigating the crime, I haven't talked to a single person yet.
423 At the time he was released, I had already, I was about to be in a physical
424 altercation with the father and was dealing with him and then, you know, the
425 mother also became a factor at that point. At the time I finished that, I'm
426 escorting the - the mother back to my patrol car, he was already out of cuffs.
427
428 Q: Whose patrol car was he in do you know?
429
430 A: Uh, Foster's and Eierman's.
431
432 Q: Okay, and, um, did you put him in that patrol car?
433
434 A: No, um, I - he's [REDACTED] and - well suspect one was already handcuffed and
435 suspect, and, uh, [REDACTED] was handcuffed and like you need to stand up
436 suspect one and get him outta here, you know, I told Deputy Eierman to stand
437 him up and get him outta here. Um, Foster came over and they escorted him
438 back to put - try to attempt to put him in the back of their patrol vehicle. Um,
439 still kinda like lookin' at them, father is now running initially I was pushed
440 back, now he's at their passenger side door, uh, left passenger side door. I'm
441 seeing this and I'm like, you know, Foster, Eierman has control, trying to put
442 suspect one in the vehicle, he's not fully in there yet. Uh, Foster has to stop
443 what she's doing, I literally - I look up and she's pushing him back. Physically
444 pushing him back. Um, I think Eierman gets suspect one in the car and then at
445 the same time goes over to assist Deputy Foster. He draws his Taser and
446 points it right at - points it right at, uh, the father. Um, and says hey, you need
447 to get back. At that point, it's like now father's kinda goin' - retreating, you
448 know? So I live the n- the, uh, uh [REDACTED] in the street and I'm - I go after
449 the father to control it, to get him in handcuffs to, you know, get him to stop
450 doing what he's doing. You know? To focus my attention on him. He's truly

the, at this point he's a - he's a threat still to our s- scene security and you know, he's not stopping or listening to a thing we're saying.

Q: And did he run into his residence?

A: He initially - I tracked him back, um, to next to his front door, um, as he's k- he's waking - he's ahead of me but I'm chasing after him a little bit. Um, I'm like, hey, you need to stop and he's like - he's not stopping. And then he backs himself into a corner between the stairs and like a fence. There's clearly like it's like a little pocket next to a bush I think and a stairway into his house and I'm like you need to stop and turn around and put your hands behind your back and he says no. And I'm like - I tell him like three times, need to stop, put your hands back. No. Clearly, clear as day, no, and I'm like okay, and so at that point he's kinda in front of me, he's like he's got his hands out tryin' to kinda - he's not pushing me, he's not active - he's not coming at me but he's like got his hands out in front of him preventing me from getting - gaining the distance and kind of controlling him. Um, I - I end up kinda like - kinda like tryin' to tie him up, um, it's not working. He pushes, kind of pushes himself out of a little hole and runs, he just runs past me right into his house. Uh, I follow him, he s- shuts and locks the doof, uh, as a secure- a security screen door. I walk up the stairs, I'm like, "Sir, you need to open the door," he's like, "Nope, I know what happens then," and I'm - and, you know, I'm like, hey, let's focus on what's going on here. I literally have a conversation with him, you - somebody here called the police, we have no idea what's happened here, you need to tell us what happened, you need to cooperate, why are we called here sir? Why, literally why are we here, you know? It's a little bit of frustration on my point because, you know, look what's already happened, it's just chaotic. I mean people were in handcuffs, I'm just trying to help. Initially it's like well it's a welfare check, you know, it's like - it - it was just hey, what happened? He's just got his phone out at this point and he's just kinda videotaping me, um, and that's - that's - that's my last contact with him. Uh, the mother, I - I think her name's [REDACTED], she's like - as I'm talking to, uh, the father in the screen, she's up on me too just kind of blurting Spanish right in - like right next to me. Um, you know, she - she's doing the same thing, you know, she's just not going away, she's not listening, she's obstructing, she's delaying, she's doing all of it, so I simply just kinda take her, move her off the steps and place her in handcuffs, um, with the help of Deputy Eierman.

Q: Okay. And where was she placed? Was she placed in a vehicle?

A: Uh, my car.

Q: She was placed in your car?

A: So yeah, so I'm walking her back, um, and I'm - I'm already - as I'm walking

496 her back, one is out of the vehicle, um, like and they scattered and they're
497 running in the street. Um, and I'm like already realize that, I'm worried, just
498 like this, okay, uh, placed her in the back of my patrol car, shut the door.
499
500 Q1: So suspect one was - by the time you had the mother detained and taken her to
501 your car...
502
503 A: Yeah.
504
505 Q1: ...suspect one...
506
507 A: She was - or yeah...
508
509 Q1: ...was already outta the car?
510
511 A: ...runnin' loose.
512
513 Q1: What was he...
514
515 Q: Out of handcuffs or in handcuffs?
516
517 A: Outta handcuffs.
518
519 Q: Okay. Um, did he escape?
520
521 A: Uh, no, I - I - I - no one told me he escaped. If that's what happened, no one
522 told me. Um, he...
523
524 Q: So what happened to him?
525
526 A: I have no idea. I - I really do not know, I - I - I should - I - at the time I - it was
527 frustrating, I don't know why they let him go, I don't know if somebody
528 interviewed him and thought he wasn't a threat, I mean no one talked to - no
529 one told me anything, I - I - I'm not even done handcuffing people, you know,
530 trying to figure out what is going on here and he's outta handcuffs. Um, I
531 regret not asking who did it but at the time it's like, you know, I don't know I
532 just didn't clear it up with anybody.
533
534 Q: And by the time you were going hands on with, uh, the mother, [REDACTED]
535
536 A: Mm-hm.
537
538 Q: ...um were any of other deputies on scene yet?
539
540 A: That was, uh, yeah, I think they just got there. You know, they didn't know

541 what was going on, they had no idea, they just, you know, they had - I don't
542 think they knew what was going on, they were supposed to be - supposed to
543 be cover and everyone's coming, um, there's not a lot of radio chatter at that
544 point, we're not putting out a whole lot, um, I started to handcuff mom. But I
545 was with - while I was still dealing with that, I was completely by myself, you
546 know? I was like okay, it's not good to be by myself but I'm by myself.
547 Nobody was with me. Nobody there could find me or, you know, people
548 weren't there yet. Um, by the time I - he's in the house but then I'm dealing
549 with mom, I - Eierman comes over and helps.
550
551 Q: Okay. Um, when did the sergeant get there?
552
553 A: I'm not quite sure what time he arrived. Uh, by the time I was placing mom -
554 by the time I was walking mom back to the car, I don't know how many
555 minutes that was, uh, he was there.
556
557 Q: After you placed mom in the car...
558
559 A: Mm-hm.
560
561 Q: ...you see suspect running around, you started to see help, is it starting to calm
562 down at this point or is there still...
563
564 A: No, it's - no, it's not calming down at all. Suspect one grabs a phone, starts
565 recording us, he's circulating our cars, with a cell phone recording, he's
566 keeping his distance enough to where we're not gonna grab him but he's
567 literally circulating 4th - 4th Street in circles all around our car. Um, he's got
568 his video camera out. Uh, dad had come outta the house but shut their steel
569 gate and in Richmond they have a lotta those, you know, those gates.
570
571 Q: Driveway gate.
572
573 A: He drop - he - he kept himself behind there, there was a bunch of females also
574 kept behind there. He's yelling, uh, they're still screaming and crying. Um,
575 he's yelling span- it's all Spanish. It's - it's - yeah, I can't register any of it.
576 Um, so suspect one is in our - still in there, in his patrol cars and everyone else
577 is pushed back behind the gate.
578
579 Q: And you had mother detained in your car.
580
581 A: Mm-hm.
582
583 Q: Um, suspect one was detained and then somehow released by a deputy in
584 Deputy Foster Eierman's car?
585

586 A: Mm-hm.

587

588 Q: Where was [REDACTED] detained?

589

590 A: Is he - so from what I understand I left - I left [REDACTED] in the street.
591 Somebody else showed up before - before that and took 'em outta the street
592 and I - I - I don't know whose car he was in, I don't know if he was back in
593 Foster's or in somebody else who showed up but he was detained in a car, I
594 think it was an SUV, and I can't remember what car it was - which SUV it
595 was, who was driving it.

596

597 Q: Were you driving an SUV?

598

599 A: No, I was driving a Crown.

600

601 Q: Was Deputy Foster driving an SUV?

602

603 A: Uh, yeah.

604

605 Q: Okay, and, um, is that where you interviewed [REDACTED]

606

607 A: Yeah, so [REDACTED], so I - I escorted - I escort mom to the car, shut the door.
608 Um, ricar- of [REDACTED] is in a car at this time, um, I was - somebody t- uh,
609 Deputy Hadley comes up to me and he goes - he tells me I can't leave a nine-
610 year-old in the street in handcuffs. I'm like, "Okay, well I don't have time to
611 do anything else with him," so I don't know if he stood up - stood him up and
612 put him in a car, 'cause he's an 9-year-old in the street, or 11-year-old in the
613 street, I get it too. But it sounds like I'm trying to jeopardize safety here, I'm
614 just trying to finish what I'm doing on scene safety wise before, you know,
615 before I go back and deal with him, it's - I just didn't have time to move him,

616

617 Q: So when you're - when you're going back to - when you're handcuffing
618 [REDACTED] and it's - and standing up suspect one, uh, you and Eierman put
619 suspect one in the vehicle?

620

621 A: No, that's Foster and Eierman.

622

623 Q: Foster and Eierman and you - and so then...

624

625 A: I was so - I was at the time either just finished handcuffing or basically still
626 handcuffed [REDACTED] still on the ground on my knees looking over at their
627 car, their car was parked prior to the house, I have a clear view of the car,
628 that's why I can, you know, had a clear view of the car. Um, the - and that's
629 why fath- I could clear see father was attached to side door. I try and get him
630 in the vehicle and like I said earlier, he was still, you know, obstructing, um,

631 and at that point Foster, you know, physically - I saw physically push, uh, the
632 father and then Eierman, get the k- get, uh, suspect one in the vehicle and then
633 draw his Taser and kind of, you know, draw...
634
635 Q: And you left [REDACTED] there and went and assisted...
636
637 A: I did - no, Dad was just that was running around the car at that point, front of
638 the vehicle, back towards the house. I literally walk straight towards the front
639 of the house.
640
641 Q: And were trying to intercept dad...
642
643 A: Absolutely, yeah. That's exactly - trying to intercept dad.
644
645 Q: Okay.
646
647 A: He's not going...
648
649 Q: So you have [REDACTED] on the street detained.
650
651 A: Yes.
652
653 Q: And you see what is an unfolding critical situation which you believe...
654
655 A: Yes.
656
657 Q: Correct?
658
659 A: Yeah.
660
661 Q: Okay. And you reacted to it and, um, okay. Any questions on that? Um, when
662 you interviewed [REDACTED] in, uh, in the patrol car, did he complain of any
663 injuries?
664
665 A: Uh, he didn't complain of any pain, no.
666
667 Q: Okay. Uh, did you see any injuries on [REDACTED] at all?
668
669 A: No.
670
671 Q: Um, was AMR on scene at this point?
672
673 A: Yes, they were - AMR was there.
674
675 Q: Okay. Um, did AMR evaluate [REDACTED]

676
677 A: Um, I don't know if he got evaluated before. You know, I don't - I don't
678 know what happened. AMR was there, um, after we kinda showed up, AMR
679 showed up with fire. Um, I don't know if anyone else asked [REDACTED] if he
680 needed medical attention, I don't know if he was treated for anything. I asked
681 him if he needed medical attention and he said no.
682
683 Q: Can a - can a juvenile, uh, refuse medical attention?
684
685 A: I'm gonna say no.
686
687 Q: And, um, it - in your detention of [REDACTED] did any of the use of force you
688 used, um, raise a red flag with you that he would require medical attention?
689
690 A: Everyone on scene that would have been dealt with, you know, by myself, and
691 if - woulda needed medical attention, that's why I called them there, to treat
692 any possible injuries that he would have received.
693
694 Q1: Did you assume that [REDACTED] had received medical attention prior to the time
695 you contact him back at the patrol car?
696
697 A: There was a time gap. And I mean it - it mighta crossed my mind but I mean
698 he's the only person I could talk to so I just asked him again, you know, I
699 don't know if anybody treated him though.
700
701 Q: Okay. What I'm asking is, um, you described, uh, um, your use of force on
702 [REDACTED] do you think that caused any injuries to him?
703
704 A: No.
705
706 Q: Okay, why not?
707
708 A: It wasn't violent. It was simply, I mean to me it was, you know, I - he was
709 already leaning forward halfway to the ground from - alls I - alls I did to
710 detain him was take his body away, place him in handcuffs and place him on
711 the ground. Um, and I think I sat him up. I sat him up at that point too.
712
713 Q: He wasn't dropped on the ground?
714
715 A: Not - not dropped.
716
717 Q: Is there any chance that his head hit the ground?
718
719 A: No.
720

721 Q: Or his face?
722
723 A: Not that I saw or n-
724
725 Q: When you were talking to [REDACTED] um, and, uh, how did that interview start
726 or how'd it go?
727
728 A: Um, I had, uh, I think he spoke Spanish primarily, some English, um, so I had
729 Deputy Eierman was with me at the time and kinda just I was asking questions
730 and Eierman was helping me translate. Um, he was able to give me a
731 statement of what happened prior to us getting there which is, you know, why
732 we're - I wanted to know what - what was the - was there a crime in the house
733 that needed to be investigated, et cetera. Um, it went fine, I mean...
734
735 Q: Did he tell you there was a crime in the house?
736
737 A: Yes.
738
739 Q: Okay, so what happened?
740
741 A: He said that he - he had walked through the residence, um, that his father was
742 upset and he intended to call 911, upset from his prior [REDACTED] um, I believe he
743 just got released from, uh, [REDACTED] Um, his dad was upset and
744 [REDACTED] attempted to call 911. The phone was taken away. Um, that's a
745 crime. Um, and then he was, uh, appeared to be assaulted. You know, his dad
746 said - he said his dad choked him and was a pretty harsh, you know, pretty
747 good, uh, strangled, sorry, not choked. Uh, that he was strangled by his father.
748
749 Q: Did you see any physical evidence of this on him?
750
751 A: No, and no red marks. No blood.
752
753 Q: Um, when you were talking to him, was, uh, it obvious - how did he portray
754 himself? Was he - did he come off as developmentally delayed or...
755
756 A: I don't remember anything developmentally delayed. Uh, he was calmer than
757 the rest of his family.
758
759 Q: Okay, was he saying anything that led you to believe that he was, uh,
760 developmentally delayed?
761
762 A: Not that I can recall.
763
764 Q: So what did, um, [REDACTED] say to alleviate your concern he was a victim of
765 child abuse?

766
767 A: What he'd say?
768
769 Q: Yeah, did he say anything that, um, yeah, made you think he was not a victim
770 of child abuse?
771
772 A: No.
773
774 Q: Okay, did you think he was a victim of child abuse?
775
776 A: Yeah. I asked him hey, are - do you feel comfortable going back to your
777 father, do, you know, do you wanna go back in the house with your family
778 and he told me yes. If - if - if he was a victim of child abuse and he was in fear
779 of his father or he just got in a physical altercation with his father, I wouldn't
780 expect a yes answer.
781
782 Q: Okay, um, can a nine-year-old make that decision? A 9- to 11-year-old, would
783 - would a child, a juvenile, can he make that determination?
784
785 A1: I'm gonna jump in here, this is not on the notice and it's something that was
786 specifically covered in the - the report so I think it's all there so this is just for
787 your own notification or...
788
789 Q: Um...
790
791 A1: 'Cause there's been no notice of any...
792
793 Q: It - it...
794
795 Q1: This is for our notification just for our notification.
796
797 Q: Yeah, and it goes into the - the notice was about, uh, improper investigation
798 about report writing.
799
800 A1: Well that would be report writing. This would be failure to...
801
802 Q: Right and as that...
803
804 A1: ...make an arrest. This is - this would be a little more specific than report
805 writing.
806
807 Q: Okay.
808
809 A1: So am I to understand that this questioning isn't leading to discipline but this
810 questioning...

811
812 Q: This questioning is to do with the report writing, lack of documentation about,
813 um, about the particular incident and - and details of the incident.
814
815 A1: Okay.
816
817 Q: So no, it's - it's not - I understand what you're saying, it's not the, uh, the
818 drive is not to see if an arrest should have been made, the drive is to see if
819 during the investigation something wasn't documented.
820
821 A1: Okay, and then coupled with that, that's the road we're goin' down, we not
822 talking criminal mandatory report, anything like that?
823
824 Q: No.
825
826 A1: 'Cause that again would be another specific allegation we haven't done
827 Miranda or anything like that.
828
829 Q1: Absolutely.
830
831 Q: Correct.
832
833 A1: Okay, all right.
834
835 Q: Um, what was this report classified as?
836
837 A: Uh, PC148A1.
838
839 Q: Okay, um, why if the - [REDACTED] had made that - that claim that there was
840 child abuse, I mean you didn't see any evidence? Any obvious evidence of it.
841 Why wasn't a report, why wasn't the heading, like, a, you know...
842
843 A: If I had any cooperation from the family, which we attempted to get on
844 multiple levels throughout the whole - the whole scene. If I had a witness
845 statement, if I had anybody else there telling me that they witnessed any kind
846 of, you know, child abuse in the house, that changes the game, you know, but
847 how am I gonna - how am I gonna interview, uh, the father? How am I gonna
848 contact him, he's not going to cooperate, he doesn't, you know, obviously
849 he's upset with the whole situation. You know, I can't pull him aside at this
850 point and be like, hey, sir can you ca- you know, can you calm down.
851
852 Q: Mm-hm.
853
854 A: Could we talk about what happened in the house or call the mom over, hey,
855 what's - did you see anything that would have led to believe that this was a

856 child abuse or a, you know, felony battery on a child? Any, you know, any
857 other crime in the house, I would have loved to investigate. I mean I - I - I will
858 say that, I mean that's why I'm there. I'm frustrated that I can't get to the
859 initial part of why I'm actually at this call.

860
861 Q: Right.

862
863 A: It's frustrating, you know, but I - it's - I - I'm like I c- couldn't do anything
864 else, I couldn't do anything, I - he doesn't wanna tell me anything, that's just
865 one person's statement, I - I need other peoples' information, you know, I
866 need cooperation. I need - I need something that lets me know that this is
867 serious, you know, that this is actually what happened. Instead of guessing.

868
869 Q: Okay, and - and did you discuss this frustration that you have with Sergeant
870 Oest?

871
872 A: Uh, we talked about - yes, I told him what had happened, what I thought we
873 had and I - at that point.

874
875 Q: Um, which was...

876
877 A: I said we have - clearly have suspect one and the father, 148, you know? I said
878 what - what do we gonna - what do you want he's running around, suspect one
879 is running around, uh, I think we both realized either to contact suspect one or
880 the father wasn't gonna happen. I specifically said what - he - I specifically
881 told him, basically said that we're not - we're not - we're not g- we're not -
882 we're not seeing it, you know, we're - we're going to write this in the, you
883 know?

884
885 Q: Can you, um, if you had attempted to re-contact suspect one and take him into
886 custody, do you think it woulda required force?

887
888 A: Absolutely.

889
890 Q: And what would that have done to that scene?

891
892 A: Create an exigent circumstance, creating more chaos, more, you know,
893 basically going to be now fighting everybody at that point and, you know, that
894 doesn't - that doesn't need to happen, you know?

895
896 Q: Would you, uh, how would you characterize the crowd as far as demeanor?

897
898 A: It was just...

899
900 Q: Hostile?

901
902 A: The women were just - it - just we couldn't understand, it was just a lot - it
903 was loud. It was the people screaming and crying, you know? I - it - i- hostile,
904 yes. I mean especially the father and, you know, he was - he was kind of
905 taking control of the scene. Uh, yelling at his kids too, he was yelling at both
906 of 'em, over in his - his property, um, I don't know what he's saying, you
907 know? So, um, I don't know what he's saying, you know? So they're not -
908 they're not happy, it's clear that they're not happy at all.
909
910 Q: Um, did you see any evidence that [REDACTED] had any kind of injuries to his
911 face from...
912
913 A: [REDACTED] I did not see any injuries.
914
915 Q: Did he have any trouble talking?
916
917 A: Not that I can recall.
918
919 Q: Um, did you witness Sergeant Oest making announcements to the family
920 asking if anybody needed medical attention?
921
922 A: Uh, yes, I did.
923
924 Q: And did Deputy Eierman do those announcements in Spanish as well?
925
926 A: Yes. I was also able to cont- I mean once suspect one was running around, I
927 tried too. Everybody tried to take a statement from suspect one or talk to him
928 at that point. I asked him as well too, hey, do you need - who are you like
929 what - what's your name? Like start with, they say, "Hey, what's your name?"
930 Try and calm him down, nothing. You know? Okay, well do you need medical
931 attention? No. So...
932
933 Q: Okay, was he able to communicate with you...
934
935 A: I - I don't know, I mean I - I don't know. I'm not gonna assume anything but
936 he was able to say no, I mean I'm sure - I'm sure he knew some English, you
937 know?
938
939 Q: Okay.
940
941 A: Maybe 17 years old in high school, I mean he's gonna know, you know, some
942 English.
943
944 Q: Um, did, uh, how'd this call end? Do you...
945

946 A: Everybody got released, um, and we drove away.
947
948 Q: And did you do j- brief it afterwards?
949
950 A: Um, we didn't brief it as a team. I went back to the station and I think I - I
951 discussed it with, uh, with Sergeant Oest.
952
953 Q: What was that discussion about?
954
955 A: At this time, it was a 148.
956
957 Q: Oh, okay. Just kinda how you...
958
959 A: Kinda just like how was, you know - I think we were there by ourselves for a
960 good amount of time, nobody really saw what was goin' on with either -
961 anybody getting in handcuffs, you know, I could understand how anybody
962 else that showed up just has no idea what's going on, you know? And I think
963 it was 'cause we had a discussion about the end of it, well yeah, that was - I
964 also saying that was pretty chaotic and that - that stuff was - it was - it
965 happened fast, yeah.
966
967 Q: Was, uh, Sergeant Oest aware that suspect one had been released without your
968 knowledge?
969
970 A: I don't know. I don't know, I don't know, I don't know if he was
971 released, uh, before he got there or when he got there.
972
973 Q: But you never had a conversation with Sergeant Oest about that?
974
975 A: I was like he needs to - him, you know, so I'm pointing over at suspect one at
976 this point.
977
978 Q: Okay.
979
980 A: He's - he's - he's the v- you know, he's the - he's the suspect.
981
982 Q: Right.
983
984 A: In the - for the 148 and then the father.
985
986 Q: Okay.
987
988 A: And...
989
990 Q: Have you been back in that house at all when you were still working at base

991 station?
992
993 A: Uh, no.
994
995 Q: Did this - were you overwhelmed by this call?
996
997 A: Uh, yeah, it was the first time I've experienced anything like it. It was - it was
998 overwhelming.
999
1000 Q: Um, you wanna take a break or you wanna keep going? Uh, what do you
1001 wanna do?
1002
1003 A: I'm good.
1004
1005 Q: You good?
1006
1007 A: Yep.
1008
1009 Q: Any of you have any questions on that?
1010
1011 Q1: Not that.
1012
1013 Q: All right, I'm gonna ask a little bit about the report, okay?
1014
1015 A: Sure.
1016
1017 Q: Sergeant Oest, um, he's the blue team sergeant correct?
1018
1019 A: Mm-hm.
1020
1021 Q: You said you're - you're, uh, gold team weekends?
1022
1023 A: Mm-hm.
1024
1025 Q: Um, did that complicate the report review process or writing this report at all?
1026
1027 A: No.
1028
1029 Q: Okay. Um, there was a time lapse, can you explain the incident happened on
1030 the 5th and, uh, your report was done on the 10th, um, can you explain the
1031 delay?
1032
1033 A: Um, not sure what day the 5th was...
1034
1035 Q: Go ahead and look on your phone if you need to.

1036
1037 A: Oh. So the 5th was a Tuesday, my next shift woulda been the 8th.
1038
1039 Q: The 8th and you wrote it on the weekend of your next...
1040
1041 A: Correct.
1042
1043 Q: Okay. Before Sergeant Oest came back to work on Monday?
1044
1045 A: Um, yeah, yes.
1046
1047 Q: Um, what steps did you take to identify suspect one after the - you guys left
1048 the scene?
1049
1050 A: The only - what I did was I pulled up, I knew there was a past history at the
1051 house. That there was a 5150 there previous to when I got there. I looked at
1052 the report and said whatever identifying information I could on the people
1053 who lived there who called on that - on that call, I kind of figured, okay, well
1054 this is dad and this is mom and there's - I think there's no mention of the - the
1055 brother so I couldn't identify him and that's it.
1056
1057 Q: Did you ever discuss with, um, the sergeant, Sergeant Oest about trying to get
1058 - find a - figure out a method to get suspect one and identify him?
1059
1060 A: No.
1061
1062 Q: Was that ever an issue that was brought up?
1063
1064 A: No.
1065
1066 Q: Did you ask the paul units to help you identify suspect one?
1067
1068 A: No. They left - they left early. I'm - I don't know. They didn't stay around on
1069 scene either.
1070
1071 Q: But did you - did you ask 'em in the...
1072
1073 A: No.
1074
1075 Q: ...that weekend of your next shift, the next three days?
1076
1077 A: Um, no I knew Deputy Lewis was a poly unit at that time, um, and I just
1078 looked up his report, so...
1079
1080 Q: Did you - do you believe the identify of suspect one was impossible to find

1081 out?
1082
1083 A: Not impossible.
1084
1085 Q: So i- what, um...
1086
1087 A: Well what...
1088
1089 Q: Why - why wasn't he identified then?
1090
1091 A: As a juven- um, I mean he's 17, as a juvenile, that d- you know, I'm not - the
1092 database is at least for ID hit, you know, I coulda done his last name, I mean it
1093 probably wasn't impossible. Um, I knew there was [REDACTED] and, you know, it
1094 was a different last name than [REDACTED] you know, I'm not sure whose child he
1095 is, you know, who he's related to in the house.
1096
1097 Q: You didn't know whose child he was?
1098
1099 A: No.
1100
1101 Q: Did [REDACTED] tell you that you had the wrong [REDACTED] you had the wrong son?
1102
1103 A: Yes.
1104
1105 Q: Okay. Um, so you would infer that [REDACTED] was probably his father?
1106
1107 A: He - yes.
1108
1109 Q: Okay. And [REDACTED] was completely uncooperative in helping you either identify
1110 him...
1111
1112 A: I asked him what his name was?
1113
1114 Q: And confirm that [REDACTED] was, um, also uncooperative in trying to assess if
1115 anybody one needed medical attention?
1116
1117 A: [REDACTED] say that again?
1118
1119 Q: The father, he wasn't helpful in trying to get anybody medical attention, any
1120 of that?
1121
1122 A: I don't know what he said in Spanish.
1123
1124 Q: Okay. Um, and this report doesn't have any photographs attached to it. Is
1125 there - what - is there - what's the reason why?

1126
1127 A: Didn't photograph anybody.
1128
1129 Q: The - was it a time situation, was it a chaos situation?
1130
1131 A: Uh, suspect one wasn't gonna be photographed, father wasn't gonna be
1132 photographed. uh. I should - probably should have photo- photographed, uh,
1133 the child, [REDACTED]
1134
1135 Q: Um, is it your understanding that some of the basic information required for a
1136 crime report per our policy is to identify suspects and take photographs during
1137 use of force incidents?
1138
1139 A: Yeah.
1140
1141 Q: Okay. Um, looking back on it, do you think it's reasonable to think that you
1142 could identify suspect one?
1143
1144 A: Yes.
1145
1146 Q: Okay. Um...
1147
1148 A: C- I mean could I have successfully ID'd suspect one? Is that the question?
1149
1150 Q: Yeah.
1151
1152 A: Looking back, like if I would have, at the house, I don't think it was possible.
1153 If I would have gone back there, i- I coulda tried, I coulda gone back to the
1154 house, you know, there's - there's things I coulda done, absolutely, yes.
1155
1156 Q: Okay. Um, any further questioning then?
1157
1158 Q1: Um, you mentioned that the - some of the cover units, like the paul units in
1159 particular...
1160
1161 A: Mm-hm.
1162
1163 Q1: ...were on scene but then not on scene for very long.
1164
1165 A: No.
1166
1167 Q1: Did they - did they clear the scene while it - it was still, um, still an active
1168 scene?
1169
1170 A: It's an active scene 'cause I got - I'm still trying to investigate it, it's an active

1171 investigation on my end. It's my call, I know that, it's my call, but, uh, I didn't
1172 get much help, nobody came up to me and said what do you need. I got one
1173 deputy did, but it was more like even right away it was like more critical, like,
1174 hey, you're screwing up, I'm like - he's like, you know, basically said you
1175 can't leave a 9-year-old in the street, you know, and he's like calm down and I
1176 get it, you know, I was amped - it was - it was - I was amped up, he was like
1177 calm down and figure out what you have and I'm like okay, well, that guy's
1178 already running around, you know, so it's just kind of, you know, I understand
1179 that you need to take a step back, figure out what happened and investigate.
1180
1181 Q1: You don't feel like you got adequate...
1182
1183 A: I feel like I could have gotten a lot more help, you know?
1184
1185 Q1: I hear you. So it - and you said this was the first call of this type that you had
1186 ever had to deal with, so did it...
1187
1188 A: It - um, yeah.
1189
1190 Q1: Uh, so it - would it have been helpful to be able to lean on your - your partners
1191 or...
1192
1193 A: Sure, sure you always want direct- you know you could use direction in a time
1194 like this, you know? I - I know right away that hey, people are in handcuffs,
1195 maybe we should get, you know, I'm gonna have to write something
1196 obviously, now what crime do I have? Like we've gone a long way here, what
1197 crime do I have? Somebody needs to go to jail, you know, this shouldn't
1198 happen - I - I felt that yeah, somebody needed to be taught that that what they
1199 did wasn't - wasn't the right way, you know? If I can get a - a 148 arrest out
1200 of it, that's good with me, you know? Because we end up kinda turnin' away
1201 like we just - we just left, you know, a situation that nobody went to jail in,
1202 that could've gone to jail and we kind of lost on all ends there, you know, like
1203 you said, I guess like you said earlier, there's a - also a crime in the house. As
1204 a police officer that's my - that's my biggest concern, you know, I'm willing
1205 to deal with what, you know, what I have to do to make things safe before I
1206 am but now I'm there to see, hey, what else is going on, the bigger issue?
1207 That's a bigger issue than 148 for me, you know, a child in the house, maybe,
1208 you know this is child - child abuse and that needs to be dealt with, so...
1209
1210 Q1: So it didn't sit well with you just to kind of runaway...
1211
1212 A: No, it didn't.
1213
1214 Q1: ...with...
1215

1216 A: It didn't sit well with me. I mean it bothered me - it still bother - it - it
1217 bothered me at the time for the whole day, you know, and then after some.
1218 Um, so I was agitated that somebody got let outta handcuffs without ever
1219 asking me, you know, it's not their call, it's my call. You know, oh, this - it's
1220 c- it's all - it's on me, you know? Um, I - I'm surprised nobody, you know, I
1221 didn't talk about that with anybody, okay, I'm the jun- most - jun- I'm
1222 probably the most junior guy there, you know, to kinda go over top and be
1223 like why don't you guys do that and start a confrontation with my peers, you
1224 know, it was like well looking back it shoulda been done, okay? Uh, so yeah, I
1225 mean people could have stayed and ask hey, what do you need? What do you
1226 need, what do you need? I only got that from essentially one person.
1227
1228 Q: All right. Um, (Doug), you wanna add anything?
1229
1230 A1: Yeah. I have a couple questions. Um, going back to your interview with
1231 [REDACTED] um, was there any mention made about him being hit with a belt?
1232
1233 A: Um...
1234
1235 A1: Whether from him or from the call?
1236
1237 A: Not - not - from the call, yes. I don't know what happened with the radio, I
1238 don't know if it was a separate call coming into the house and dispatch told
1239 her to meet over there without putting it into the notes. Uh, because I'm 100%
1240 certain there was a - the initial call was a welfare check but then it elevated to,
1241 uh, somebody's getting beating and, you know, somebody's getting struck
1242 with a belt, there's chaos, screaming, everywhere in the house, but they
1243 respond, something's just changed, it's not - no longer a welfare check, you
1244 know?
1245
1246 A1: So as you're sitting there talking to [REDACTED] did he have any belt marks on
1247 him?
1248
1249 A: No, no belt marks.
1250
1251 A1: Was he complaining about pain or injury?
1252
1253 A: No.
1254
1255 A1: There's - were there any strangulation marks?
1256
1257 A: No.
1258
1259 A1: Any redness, swelling, bruising around the neck or throat? So any indication
1260 whatsoever looking at him that there was a child abuse that took place?

1261
1262 A: No.
1263
1264 A1: And, uh, were you aware of the [REDACTED] detention from the day before on
1265 [REDACTED] ?
1266
1267 A: Uh, he told - well he told me - he told me, he said I think dispatch told me
1268 there was a previous [REDACTED] at the house and then he told me, you know, that
1269 he was - he was coming back from a [REDACTED] hold.
1270
1271 A1: Okay. So short of that comment about being strangled or maybe something
1272 about a belt, did you have anything to go on that there was a child abuse?
1273
1274 A: None.
1275
1276 A1: And were you faced with the lack of evidence that would indicate maybe a
1277 crime hadn't been committed?
1278
1279 A: Yes.
1280
1281 A1: Okay. You made a comment about, um, calling - well everyone needs to be
1282 seen by AMR because you used force.
1283
1284 A: Right.
1285
1286 A1: Now is that just a procedural, you need to check the box if you use force, they
1287 need to be seen or did you feel based on the for- the amount of force you just
1288 used that maybe these people now need to be seen?
1289
1290 A: Medical needs to be - I - I know that medical needs to be offered to people
1291 that might have an injury, you know, physical force is being used, they could
1292 have an injury I don't know about, I can't see. You know, so I just call for
1293 medical and see, you know, so I just call for medical, s- is standard.
1294
1295 A1: So is there anything you did that day with [REDACTED] or suspect one that
1296 indicated to you, oh, wow, they need to be seen by medical because of what
1297 you just did or was it just the because you used force and now you need to get
1298 'em checked? You understand the question?
1299
1300 A: Uh, yes, and I guess it's - it's two points. I mean smote - no matter what, I
1301 mean even if it's a slight - slight physical, you know, to the ground, is
1302 something that they need to be seen by medical for, you know? So, you know,
1303 later...
1304
1305 A1: But you consider that procedural?

1306
1307 A: Yes, absolutely.
1308
1309 A1: Bounded - bound by policy?
1310
1311 A: Yes. Yes.
1312
1313 A1: So when you're calling - when you're saying that these guys need to be seen
1314 by AMR, was it procedurally in your mind?
1315
1316 A: Yeah, procedure.
1317
1318 A1: Okay, so did you do anything, you know, slamming them on the ground,
1319 anything you do that you realize oh, wow, I think I just hurt him, need to get
1320 him checked out?
1321
1322 A: No, no.
1323
1324 A1: Okay. That's all I have.
1325
1326 Q: I'm gonna follow up with that. Um, when - and correct me 'cause I remember,
1327 uh, exactly. Did you - did you say that - did [REDACTED] see AMR? Did [REDACTED]
1328 see AMR in your presence? Did AMR ask [REDACTED], uh...
1329
1330 A: The pers- AMR pers- personnel were not near me when I asked [REDACTED]
1331
1332 Q: And d- are you aware if AMR, um, checked [REDACTED] out, um, and asked him
1333 like some follow-up 5150 questions?
1334
1335 A: I don't know what they did. I did - I - I did when I had a chance to talk to him.
1336
1337 Q: And he didn't meet the criteria for you?
1338
1339 A: No.
1340
1341 Q: And he did not meet the criteria?
1342
1343 A: No.
1344
1345 Q: Okay. Um, and when you left the scene, did you feel that [REDACTED] uh, there
1346 was any reason why [REDACTED] could not go back in his house?
1347
1348 A: No. When I - I specifically asked him do you wanna go b- are you
1349 comfortable going back in your house with your family and he said yes.
1350

1351 Q: Okay, taking that into consideration, everything that you had investigated
1352 from everything he told you and what you'd learned from the call, um, did
1353 you feel like it was inappropriate for him to go back in the house with his
1354 family?
1355
1356 A: No.
1357
1358 Q: I don't have anything further. You got anything?
1359
1360 Q1: Nope.
1361
1362 Q: Okay, do you have anything to add?
1363
1364 A: No.
1365
1366 Q: Okay.
1367
1368 A: I mean I - I mean I wish I would - could've handled it differently. I mean I
1369 learned from it so I mean, uh, especially with, I just lack a radio traffic for
1370 myself, you know, like hey, you know maybe people didn't know where I was
1371 but I don't know if people were looking, you know, like it woulda definitely
1372 woulda helped, you know? So that stuff of course because if it doesn't end up
1373 in radio traffic, it doesn't exist, you know, it's only what your word is and,
1374 um, you know, that was my initial like (unintelligible) to myself, you know,
1375 hey, you know, put out stuff, let 'em know, people are going hey, I'm getting
1376 physical with dad or I'll be at the door or anything I can to just, you know,
1377 obviously - so there's no what ifs, you know, it's kinda clear that that's what
1378 happened.
1379
1380 Q: Okay. Uh, please do not discuss this case with anyone, especially potential
1381 witnesses to this investigation, do you understand this?
1382
1383 A: Yes.
1384
1385 Q: Pending the outcome of this investigation, you shall not talk about or discuss
1386 this case or this investigation with any other persons or employees except your
1387 legal representative. Failure to abide by this order could result in a new and
1388 separate allegation of insubordination, which if sustained could be cause for
1389 termination, do you understand this?
1390
1391 A: Yes.
1392
1393 Q: That's gonna conclude this part of the interview, it's, uh, 2:02.
1394
1395

1396 The transcript has been reviewed with the audio recording submitted and it is an accurate
1397 transcription.
1398 Signed _____

INTERVIEW WITH DEP. KEVIN EIERMAN

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Kevin Eierman

Q: Good afternoon. This is Sergeant Doug Muse with my partner Sergeant Dave Hall. We're at the Internal Affairs Office and it is January 31 at 12:02. We're here to interview Deputy Kevin Eierman. He is represented by our RLS Attorney Doug Foley on IA case 2016-070. This interview is being digitally recorded. This is an administrative investigation. You have been identified as the subject of the investigation. You are to answer all questions completely and truthfully. Knowingly making false or misleading statements during the interview will be considered a separate offense that could lead to discipline up to and including termination. Do you understand this?

A: Yes.

Q: You received formal notice from me. Do you understand it?

A: Yes.

Q: Do you have any questions regarding this contact?

A: No.

Q: Have you obeyed all admonitions outlined in the formal notice?

A: Yes.

Q: You received a form titled Administrative Admonishment prior to this interview?

A: Yes.

Q: Did you understand it?

A: Yes.

46 Q: Do you have any questions regarding its content?
47
48 A: I do not.
49
50 Q: Okay, I will sign it. This is a follow-up interview with Deputy Eierman
51 regarding the incident documented in DR, uh, 16-5055 which I provided to
52 you which occurred on April 5, 2016. Uh, Deputy Eierman do you recall the
53 detail of the incident at 16254 Street in North Richmond?
54
55 A: I do.
56
57 Q: Specifically I'm going to ask you to clarify how suspect one, uh, the first
58 person that was contacted when you guys got on-scene was placed in the
59 handcuffs and eventually released.
60
61 A: Okay.
62
63 Q: In your supplemental report you wrote you took control of suspect one by
64 placing him in handcuffs. Did you use your handcuffs to handcuff suspect
65 one?
66
67 A: Yes I did.
68
69 Q: Did you get your handcuffs back after this detail?
70
71 A: Yes.
72
73 Q: How did - how or who gave you handcuffs back?
74
75 A: I don't know.
76
77 Q: Um, explain if you can.
78
79 A: Just being the fact that it's so chaotic and just - I really don't remember who
80 gave it - who gave me my handcuffs back.
81
82 Q: Were, uh, do you remember if someone - someone did give you your
83 handcuffs back?
84
85 A: It's just the - the fact that I have both sets of handcuffs is the only reason why
86 I know I have them back. It's something that on patrol just gets - they get
87 switched out so much, especially the fact that if I make an arrest maybe
88 another officer will transport because of another call or somethin' like that.
89
90 Q: Okay on this specific call right here and we're talking about the details of this

91 handcuffing, um, your handcuffs were placed on the suspect and you got them
92 imm- was it later at the station do you think you got them? Was it...
93

94 A: Like I said I don't ev- I don't - I don't know. I don't remember the actual act
95 of getting my handcuffs back. I just know that I have both sets.
96

97 Q: Oh. After the suspect was placed in handcuffs, uh, did you escort him to the
98 patrol car?
99

100 A: Yes.
101

102 Q: In your supplemental report you wrote you secured suspect one in the rear of
103 your patrol car. Was that correct?
104

105 A: Yes.
106

107 Q: Uh, and that was your patrol car and not another?
108

109 A: Uh, to the best of my knowledge yes.
110

111 Q: Uh, do you recall that suspect one was placed inside with the door shut?
112

113 A: Yes.
114

115 Q: Uh, did you lock the door?
116

117 A: Well the vehicle must've been locked.
118

119 Q: Okay. Did Deputy Foster or you stay with your patrol car and the suspect?
120

121 A: I'm sorry?
122

123 Q: Did you or Deputy Foster stay with the patrol car and the suspect?
124

125 A: No.
126

127 Q: Once he was placed in the car?
128

129 A: No because I went to go assist Deputy MacD- uh, MacDonald.
130

131 Q: Who had keys to your patrol car?
132

133 A: Uh, I did and then Deputy Foster did as well.
134

135 Q: When I asked if the, uh, vehicle was locked I mean the front half of the doors.

136 The two - the passenger door and the driver door, uh, do you recall if the
137 vehicle was locked there or...
138
139 A: I can't - I can't say if it was or not.
140
141 Q: To clarify you stated in your first IA interview that you were not present when
142 suspect one was released from the rear of your patrol car. After reflecting on
143 this incident is it possible you mis-remembered?
144
145 A: No.
146
147 Q: Is it possible you mis-remembered how suspect one was removed from patrol
148 car and unhandcuffed?
149
150 A: No.
151
152 Q: Did Deputy Hadley or someone tell you to remove suspect one from
153 handcuffs?
154
155 A: No.
156
157 Q: After reflecting on this incident over time now and this has been some time
158 since the interview and it has been some time since the incident do you have a
159 theory on how suspect one was possibly removed?
160
161 A: I don't. Again, I was translating - I was at the gate, you know, tryin' to, you
162 know, basically work on screening people, angry people translating so I - I
163 don't know.
164
165 Q: Okay.
166
167 Q1: Deputy Eierman do you remember missing - so you said you - you don't
168 remember if you got, uh, correct me if I'm wrong. You said you don't
169 remember if you got your handcuffs back after - immediately after that call or
170 during that call is that correct?
171
172 A: Yes.
173
174 Q1: Okay do you remember missing your handcuffs at any particular time while
175 you were on training with Foster?
176
177 A: No I never - I never missed my handcuffs, it's just more of something that -
178 that's more of a common occurrence, uh, as far as, you know, the whole
179 handcuffs thing. You know, like I said, I'll - maybe I'll handcuff somebody.
180 I'll take them to jail but maybe my - the B partner will take him and transport

181 him because of maybe other pending calls or something like that. Uh, so I
182 always kept, you know, they even tell us in training to keep extra in your
183 patrol bag for that reason.
184
185 Q1: Um, one other question. When - when suspect one - when you realized he was
186 no longer in the patrol car were you - did - did you think like, "Where are my
187 handcuffs?" at that particular time? Did you...
188
189 A: I didn't.
190
191 Q1: ...you...
192
193 A: I didn't think about it in that moment, no.
194
195 Q1: Okay.
196
197 A: I just knew that - I was like, "They're off and I'll get 'em back."
198
199 Q1: Wanna take a break?
200
201 Q: Yeah, we'll take a quick break.
202
203 A: All right.
204
205 Q: And the time is 12:09.
206
207
208 The transcript has been reviewed with the audio recording submitted and it is an accurate
209 transcription.
210 Signed _____

INTERVIEW WITH DEP. KEVIN EIERMAN

Q=Sgt. Douglas Muse

Q1=Sgt. Dave Hall

A=Dep. Kevin Eierman

A1=Doug Foley

Q: This is a resumption of interview with Deputy Eierman on 2016-070. It is, uh, 12:13, um, that'll conclude our questioning. Do you have anything to add Deputy Eierman?

A: I do not.

Q: Okay, Sergeant Hall do you have anything to add?

Q1: Do not.

Q: Okay. Mr. Foley, do you have anything to add?

A1: Nope. I don't.

Q: Nope? That'll conclude our interview. Please do not discuss this case with anyone especially potent- potential witnesses to this investigation. Do you understand this?

A: Yes.

Q: Pending the outcome of this investigation you shall not talk about or discuss this case or this investigation with any other persons or employees except your legal representative. Failure to abide by this order could result in new and separate allegation of insubordination which if sustained could be cause for termination. Do you understand?

A: Yes.

Q: Okay. I'm gonna conclude the interview at, uh, 12:14.

45 The transcript has been reviewed with the audio recording submitted and it is an accurate

46 transcription.

47 Signed _____

INTERVIEW WITH DEP. CHAD MACDONALD

Q=Sgt. Doug Muse

Q1=(Doug Foley)

Q2=Sgt. Dave Hall

A=Dep. Chad MacDonald

Man: We'll borrow it.

Q: This is - good morning this is Sergeant Doug Muse I am with my partner Sergeant Deputy - correction Sergeant Dave Hall, we're interviewing Deputy Chad MacDonald on IA2016-070. Representing Deputy MacDonald is RLS Attorney (Doug Foley). It's February 8, 2017 at 10:04 in the morning. This interview is being digitally recorded. This is an administrative investigation, you have been identified as a subject in an investigation. You are to answer all questions completely and truthfully. Knowingly making false or misleading statements during the interview will be considered a separate offense that could lead to discipline up to and including termination do you understand this?

A: Yes.

Q: You received formal notice from me and do you understand it?

A: Yes.

Q: Do you have any questions regarding it's content?

A: No.

Q: And have you obeyed all the admonitions outlined in the formal notice?

A: Yes.

Q: You received a form entitled administrative admonishment prior to this interview do you understand it?

A: Yes.

46 Q: Do you have any questions regarding it's content?
47
48 A: No.
49
50 Q: This is a follow up interview with Deputy MacDonald regarding the incident
51 documented in DR16-5055 on April 5, 2016. Deputy MacDonald do you
52 recall the detail on 1625 4th Street in North Richmond?
53
54 A: Yes.
55
56 Q: Specifically I'm gonna ask you to clarify how suspect one was handcuffed and
57 eventually released. Whose handcuffs were used to handcuff suspect one?
58
59 A: Ah, Deputy Eierman.
60
61 Q: In your previous interview you stated suspect one was escorted to the patrol
62 car by Deputy Eierman and Deputy Foster, do you know if they placed
63 suspect one in their patrol car - do you remember seeing them place him in the
64 car?
65
66 A: Yes.
67
68 Q: Did either Deputy Foster or Deputy Eierman give you a set of keys to the
69 patrol car?
70
71 A: No.
72
73 Q: Did you see anyone give Deputy Eierman back his handcuffs?
74
75 A: No.
76
77 Q: So this question is gonna be, ah, in reference to the conflict you had with
78 [REDACTED] the father...
79
80 A: Okay.
81
82 Q: ...and, ah - and in time frame of when you placed [REDACTED] the mother in
83 handcuffs...
84
85 A: Okay.
86
87 Q: ...can you estimate the amount of time from when you chased [REDACTED] the
88 father, ah, up to the door, and you walked [REDACTED] back to the front of the
89 residence in the patrol cars?
90

91 A: Kind give a date - ah, range?
92
93 Q: Just yeah kind of in your mind what...
94
95 A: Three to five minutes.
96
97 Q: Three to five minutes - um, when did Deputy Hadley contact you, ah, the first
98 time and then it's my understanding that he contact you, ah, when you were at
99 the front door of the residence dealing with the father?
100
101 A: Ah, no as I was walking back.
102
103 Q: Walking back with?
104
105 A: With, ah, Miss [REDACTED]
106
107 Q: Okay so Deputy Hadley contacted you as you were bringing Miss - Miss
108 [REDACTED] from the front of the residence?
109
110 A: Yes he was - he was in the - he was - on fourth street he wasn't, ah, near the
111 house, um...
112
113 Q: Okay and to clarify you stated in your first, ah, interview that you were not
114 present when suspect one was released from the rear of the patrol car?
115
116 A: Correct.
117
118 Q: And when you were walking [REDACTED] back you stated that's when you saw,
119 ah, suspect one had been released?
120
121 A: Yes.
122
123 Q: After reflecting on this incident is it possible you misremembered?
124
125 A: No.
126
127 Q: Is it possible you misremembered how suspect one was removed from the
128 patrol car and unhandcuffed?
129
130 A: No.
131
132 Q: Did someone tell you to remove suspect one from handcuffs?
133
134 A: No.
135

136 Q: Did you ever ask Deputy Eierman or Deputy Foster, Deputy Hadley or
137 Deputy Lewis if they had released suspect one?
138
139 A: No.
140
141 Q: Oh can you explain why not I mean when you spoke to us you were visibly
142 upset about it, and you were upset about it enough to talk to Sergeant (Oust)?
143
144 A: Ah, Sergeant - on - at the scene or on...
145
146 Q: Later...
147
148 A: ...that day - that day?
149
150 Q: ...later that day.
151
152 A: That day we - we discussed - yeah we discussed the issue a little bit and then -
153 yeah I - I showed my frustrations over why - why he was unhandcuffed. I
154 never brought it up to my - to my partners.
155
156 Q: Mm-hm, okay Sergeant.
157
158 Q1: Um, Deputy MacDonald do you remember if your keys, um - I remember
159 when I was on patrol some - sometimes keys from one patrol car would work
160 on another patrol car...
161
162 A: Mm-hm.
163
164 Q1: ...do you know if that was the case - did your keys work for, ah - work on
165 Deputy Eierman and Deputy Foster's car?
166
167 A: I drove a Crown Vic and they drove a SUV...
168
169 Q1: Okay.
170
171 A: ...so I would - no, but...
172
173 Q1: Okay and then, um, lastly wh- when we - we did speak about, um, how you
174 felt, that you didn't get any help during that - during that, um, incident and
175 also that you were frustrated because suspect one was relieved from the car,
176 do you have any theories as to who you think may have released suspect one
177 from the car?
178
179 Q2: Actually I'm gonna object to that I mean you just asking him to completely
180 speculate and we can speak to what he saw and the facts, but...

181
182 Q1: Um, I'm - I would like you to answer the question...
183
184 Q2: And then...
185
186 Q1: ...and the reason why is because, um, being on patrol people talk in this
187 department in this - in this...
188
189 A: Right.
190
191 Q1: ...profession people talk, you having the training that you do, you having the
192 experience that you do, you can create a hunch...
193
194 A: Okay.
195
196 Q1: ...and I'm simply asking you if you had a hunch or do you have a - this isn't -
197 this isn't for evidence sake or anything to you...
198
199 Q2: I'm - I'm still gonna object I mean the hunches are your - your business, and
200 clearly that's...
201
202 Q1: I understand.
203
204 Q2: ...your business.
205
206 Q1: I understand.
207
208 Q2: The, ah, subject and the witness officer's business is telling you what they
209 know, speaking the facts, speaking truth...
210
211 Q1: Understand.
212
213 Q2: ...so this is a completely, ah...
214
215 Q1: Understand
216
217 Q2: ...inappropriate question.
218
219 Q1: I understand answer the question please.
220
221 A: Ah, as in, ah, training IFTO there'd be no reasonable, ah, reason for him to
222 unhandcuff anybody without the permission of his - the person he's being
223 trained by, so that would lead me to believe it wouldn't be Deputy Eierman
224 that would've done that without permission from Deputy Foster, and my
225 thoughts would be Deputy Foster. Um, I don't see how somebody else who

226 just arrived on scene would - Deputy Hadley or Deputy Lewis coming into the
227 scene late, would go over to the patrol car and unhandcuff somebody in the
228 back with the door shut prior to getting permission from the person's whose
229 vehicle that they're in.

230

231 Q1: Okay thank you.

232

233 Q: Any other questions?

234

235 Q1: No.

236

237 Q: (Doug) you have any other questions?

238

239 Q2: Did you see Deputy Foster release suspect one from the car?

240

241 A: No.

242

243 Q2: Did Dep- Deputy Foster ever tell you she released suspect one from the car?

244

245 A: No.

246

247 Q2: Did anybody ever tell you Foster to release suspect one from the car?

248

249 A: No.

250

251 Q2: Did you ever talk to Foster about who released suspect one from the car?

252

253 A: No.

254

255 Q2: Your response now about your - I don't even know if we'd call it a theory, a
256 hunch or your guess on Foster - you said that Eierman wouldn't have released
257 him without permission from Foster, is that your statement that Foster must
258 have given Eierman permission to release suspect one?

259

260 A: I can't be a hundred percent, you know, conclusive that, ah...

261

262 Q2: So it's just a pure guess?

263

264 A: Just a - just a guess.

265

266 Q2: No evidentiary value whatsoever?

267

268 A: No.

269

270 Q2: Okay nothing further.

271

272 Q: Please do not discuss this case with anyone especially potential witnesses to
273 this investigation do you understand this?

274

275 A: Yes I do.

276

277 Q: Pending the outcome of the investigation you shall not talk about or discuss
278 this case or this investigation with any other persons or employees except your
279 legal rep. Failure to abide by this order could result in a new and separate
280 allegation of insubordination which if sustained could be cause for
281 termination. The time is 10:11 I'm gonna stop the tape.

282

283

284 The transcript has been reviewed with the audio recording submitted and it is an accurate
285 transcription.

286 Signed _____

Detailed History for Police Incident #P160960867 As of 11/10/2016 06:35:38

Output for: 67264

Priority:3 Type:148 - RESIST DELAY OR OBSTRUCT

Location:1625 4TH ST #B, NRI btwn GROVE AV and SILVER AV

Map:588F3

Created:	04/05/2016 17:16:52	SC26	72190
Entered:	04/05/2016 17:17:41	SC26	72190
Dispatch:	04/05/2016 17:18:28	SC32	64150
Enroute:	04/05/2016 17:18:28	SC32	64150
Onscene:	04/05/2016 17:24:46	2142	75040
Control:	04/05/2016 17:32:34	SC32	64150
Closed:	04/05/2016 18:32:47	2142	75040

CERTIFIED COPY OF ORIGINAL MASTER
CONTRA COSTA COUNTY SHERIFF
COMMUNICATIONS CENTER

ICUnit: PrimeUnit:1Y4 Dispo:RTF Type:148 - RESIST DELAY OR OBSTRUCT

Agency:SP DAREA:BAY Beat:4 RD:20

Case #:SP160005055 ☒ Detail

Susan Riley
CUSTODIAN OF RECORDS

11.10.16
DATE

17:16:52 CREATE 72190/SC26 Location:1625 4TH ST #B, NRI Type:WC Name: [REDACTED] RAddr: [REDACTED]
[REDACTED] Phone: [REDACTED] Source:RESD DAREA:BAY RD:20 Description:WELFARE
CHECK LocDesc:btwn GROVE AV and SILVER AV Priority:2P Response:2PAT
Agency:SP Map:588F3 LocType:S

17:16:52 ALI E911Phne: [REDACTED] E911Pilot: [REDACTED] E911Add:1625 4TH, RIC
E911Subs: [REDACTED] E911Srce:RESD AliElevatn:102

17:17:41 ENTRY Comment:PR SAYS HER BRO CAN'T CALM DOWN. SUBJ IS 11YO. PR SAYS THE JUV
IS FOLLOWING HER AROUND...

17:17:41 -PREMIS Comment:PPR

17:18:15 SELECT 64150/SC32

17:18:28 DISPER 1Y4 Operator:75040 OperNames:MACDONALD,CHAD

17:18:28 -PRIU 1Y4

17:18:33 INFO 72190/SC26 Comment:VERY DIFFICULT TO GET INFO. PR SAYS SHE IS UNABLE TO GO IN
ANOTHER ROOM FOR CLARIFICATION. PR WAS YELLING THAT HER MOTHER ONLY
SPEAKS SPANISH. PR SAYS THE JUV HAS A MENTAL PROB BUT UNK WHAT. JUV
HEARD CRYING IN THE BACKGROUND AND A FEM HEARD YELLING SPANISH IN THE
BACKGROUND...

17:19:05 INFO Name:UNK FEM. JUV RAddr:. Comment:PR KEPT SAYING THE JUV WAS FOLLOWING
HER AND SHE COULD NOT SPEAK. LINE DISC'D.

17:19:06 NOMORE

17:19:16 MISCN 64150/SC32 Comment:1Y3 CLEARING SHORTLY TO COVER

17:19:19 -HOLD

17:19:29 *BACKER 79325/3409 1Y3 UnitID:1Y4 Location:1625 4TH ST #B, NRI Operator:79325 70611
OperNames:EIERMAN,KEVIN; FOSTER,AMY

17:20:14 MISCN 64150/SC32 1Y4 Comment:C3. 1W12 COPIES

17:22:12 BACKER 1P1 UnitID:1Y4 Location:1625 4TH ST #B, NRI Operator:76159
OperNames:LEWIS,MAURICE Comment:C3 AS WELL 1W12 COPIES

17:22:52 *BACKER 66375/2053 1K93 UnitID:1Y4 Location:1625 4TH ST #B, NRI Operator:66375 66375K
 OperNames:HADLEY,DALE; DONNA
 17:23:39 COMBIN 64150/SC32 Service:P Incident:#P160960870 Type:UNK Agency:SP Comment:SAME
 17:24:46 *ONSCN 75040/2142 1Y4
 17:24:51 ONSCN 64150/SC32 1Y3
 17:25:29 MISCN 65394/SC31 Comment:PR CALLING BACK ADV'G HIS SON WAS [REDACTED] YESTERDAY AND IS OUT
 OF CONTROL AGAIN..CALLTAKER COULD HEAR JUV SCREAMING IN THE BACKGROUND.
 .PR SAID DEPS WERE 97 AND DISC.
 17:25:54 PRIOR Location:1625 4TH ST #B, NRI
 17:26:19 *BACKOS 48393/2028 1W12 UnitID:1Y3 Location:1625 4TH ST #B, NRI Operator:48393
 OperNames:OEST,RUDOLPH
 17:26:21 *BACKER 72335/3506 1Y1 UnitID:1Y3 Location:1625 4TH ST #B, NRI Operator:72335
 OperNames:LEWIS,RUSSELL
 17:26:21 *RFT 1Y1 Comment:INQUIRY MOBAE,1Y3
 17:26:08 MISCN 64150/SC32 1Y3 Comment:C3 COVER
 17:27:40 PRIOR 69265/SC36 Location:1625 4TH ST #B, NRI PremType:PPR
 17:27:45 MISC 61781/SC22 Comment:FIRE ENR AND WILL STAGE
 17:27:46 ONSCN 64150/SC32 1P1
 17:28:02 CHGLOC 1W12
 17:29:42 MISCN 1Y3 Comment:CANCEL TONES. NEED C2 AMB FOR 5150
 17:29:48 *ONSCN 66375/2053 1K93
 17:30:36 *BACKER 76821/3512 1P18 UnitID:1Y3 Location:1625 4TH ST #B, NRI Operator:SR1436 76821
 OperNames:NENNI,DANIEL; NICKLESS,VERONIQUE
 17:31:19 BACKER 64150/SC32 34Y14 UnitID:1Y4 Location:1625 4TH ST #B, NRI Operator:76624
 OperNames:BLANCH,MARK
 17:32:26 *CLEAR 76821/3512 1P18
 17:32:32 *CLEAR 72335/3506 1Y1
 17:32:34 OK 64150/SC32 1Y4 1K93 1P1 1Y3
 17:32:53 *CLEAR 76624/2337 34Y14
 17:37:00 *ONSCN 48393/2028 1W12
 17:37:57 OK 64150/SC32 1W12
 17:41:26 MISCN 1Y3 Comment:ETA FOR AMR
 17:42:03 MISCN Comment:ETA 2 BLKS OUT
 17:46:53 MISCN 79572/SC32 1W12 Comment:AMR ETA
 17:49:06 MISCN Comment:AMR WAS STAGED, ADVD THEM TO GO IN
 18:09:02 CASE 78705/SC33 1Y4 Case#:SP160005055
 18:09:21 *CLEAR 66375/2053 1K93
 18:09:29 *CLEAR 76159/2043 1P1
 18:09:39 *CLEAR 48393/2028 1W12
 18:09:41 *CLEAR 79325/3409 1Y3
 18:32:47 *CLEAR 75040/2142 1Y4 Type:WC-->148 Priority:2P-->3 Dispo:RTF
 18:32:47 -CLEAR
 18:32:47 *CLOSE

CERTIFIED COPY OF ORIGINAL MASTER
 CONTRA COSTA COUNTY SHERIFF
 COMMUNICATIONS CENTER


 CUSTODIAN OF RECORDS

11.10.16
 DATE

CONTACT INFO:

Name	Phone	RPaddr	RPCnt?	Contact2	Contact3	AltPh#
[REDACTED]	[REDACTED]	[REDACTED]				

UNK FEM. JUV						
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CERTIFIED COPY OF ORIGINAL MASTER
CONTRA COSTA COUNTY SHERIFF
COMMUNICATIONS CENTER

Sharon Riley
CUSTODIAN OF RECORDS

11-10-16
DATE

Detailed History for Police Incident #P160960870 As of 11/10/2016 07:14:55

Output for: 67264

Priority:1 Type:UNK - UNKNOWN PROBLEM

Location:1625 4TH ST #B, NRI btwn GROVE AV and SILVER AV

Map:588F3

Created:	04/05/2016 17:18:37	SC25	69651
Entered:	04/05/2016 17:18:58	SC25	69651
Closed:	04/05/2016 17:23:39	SC32	64150

CERTIFIED COPY OF ORIGINAL MASTER
CONTRA COSTA COUNTY SHERIFF
COMMUNICATIONS CENTER

Susan Riley 11.10.16
CUSTODIAN OF RECORDS DATE

ICUnit: PrimeUnit: Dispo: Type:UNK - UNKNOWN PROBLEM

Agency:SP DAREA:BAY Beat: RD:20 ☒ Detail

17:18:37 CREATE 69651/SC25 Location:1625 4TH ST #B, NRI Type:UNK Name [REDACTED] Phone [REDACTED]
[REDACTED] Source:RESD DAREA:BAY RD:20 Description:UNKNOWN PROBLEM
LocDesc:btwn GROVE AV and SILVER AV Priority:1 Response:2PAT Agency:SP
Map:588F3 LocType:S

17:18:37 ALI E911Phe: [REDACTED] E911Pilot: [REDACTED] E911Add [REDACTED]
E911Sub: [REDACTED] E911Srce:RESD AliElevatn:102

17:18:58 ENTRY Comment:FEM SCREAMING AND CRYING FOR HELP

17:18:58 -PREMIS Comment:PPR

17:19:13 PRIOR 49198/SC23 Location:1625 4TH ST #B, NRI

17:19:19 SELECT 64150/SC32

17:20:27 -HOLD

17:20:47 INFO 69651/SC25 Name [REDACTED] RPCnt?:C Comment:SAYING THE DAD KEEPS HITTING
WITH PR ON THE BOTTOM W/A BELT AND THE MOM KEEPS HITTING HIM TOO, ADULT
IN TEH BACKGROUND SAYING SOMEONE IS MENTALLY DISABLED.. PR STARTED
SCREAMING AGAIN AND PHN DISC. SEVERAL OTHER VOICES IN TEH BACKGROUND
YELLING, SOME IN SPANISH. PR POSS A CHILD. NFI

17:20:59 SELECT 64150/SC32

17:21:09 NOMORE 69651/SC25

17:22:11 MISCN Comment:CORRECTION ON THE ORIGINAL TEXT.. PR WASNT A FEM, HE'S A MALE
JUV

17:22:18 HOLD 64150/SC32

17:23:24 SELECT

17:23:39 COMBIN Service:P Incident:#P160960867 Type:WC Agency:SP Comment:SAME

17:23:39 -CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RPCnt?	Contact2	Contact3	AltPh#
[REDACTED]	[REDACTED]					
[REDACTED]			C			

**OFFICE OF THE SHERIFF
CONTRA COSTA COUNTY**

November 12, 2016

Certificate

Dept Record Number: SP16-5055

I, the undersigned, am the duly authorized custodian of records for Contra Costa County Sheriff's Office, with the authority to certify said records, and I certify to the following:

(A) That, including this certification, all records specified under Section 1158 of the Evidence Code relating to the understated and which are in my custody, have been reproduced at my office, in my presence, under my direct control.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on , 2016, at 40 Glacier Dr., Martinez, CA

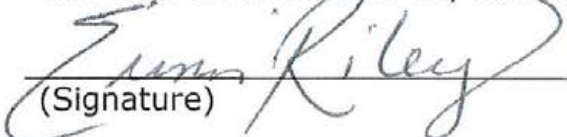
_____	Erinn Riley
(Signature)	(Custodian)

Phone:(925) 646.2441

-Or-

I hereby declare under penalty of perjury, that after a thorough search of my files, I do not have the requested records as described on the attached request form. **Audio Tape not Available.** Recordings are purged after 180 days unless a previous request was made for them to be preserved.

Executed on November 12, 2016 at 40 Glacier Dr., Martinez, CA

	Erinn Riley
(Signature)	(Custodian)

Phone:(925) 646.2441

Call summary for: 01/01/2014 - 11/10/2016

Output for: 67264

Click on heading to change sort order.

Incident IncName	Pri	Type	DAREA	RD	Unit	From	To	Location
[3/04/14]								
#P140631031	1	415V	BAY	20	1Y4	18:40	19:05	1625 4TH ST, NRI
[3/07/14]								
#P140660358	3	1744	BAY	20	1X4	10:27	10:46	1625 4TH ST #B, NRI
#P140660481	3	1739	BAY	20	1X4	11:53	12:54	1625 4TH ST #B, NRI
[8/23/14]								
#P142350704	3	1700	BAY	20	1P6	16:30	16:34	1625 4TH ST, NRI
[1/13/16]								
#P160130995	3	1732	BAY	20	1P9	18:09	19:03	1625 4TH ST, NRI
[3/16/16]								
#P160760699	3	1744	BAY	20	1P1	13:39	14:01	1625 4TH ST, NRI
[3/25/16]								
#P160850646	3	601	BAY	20	1X4	15:22	16:24	1625 4TH ST, NRI
[4/04/16]								
#P160950600	2	5150	BAY	20	1P1	14:31	15:00	1625 4TH ST, NRI
[4/05/16]								
#P160960867	3	148	BAY	20	1Y4	17:17	18:32	1625 4TH ST #B, NRI
#P160960870	1	UNK	BAY	20		17:18	17:23	1625 4TH ST #B, NRI
[4/06/16]								
#P160970523	2	5150	BAY	20	1X4	12:13	12:44	1625 4TH ST, NRI
#P160971072	2	243	BAY	20	1W4	18:20	20:02	1625 4TH ST #B, NRI
[5/03/16]								
#P161240912	2	5150	BAY	20	1Y4	16:38	17:23	1625 4TH ST #B, NRI
[5/17/16]								
#P161380361	3	1744	BAY	20	1X4	10:25	10:31	1625 4TH ST, NRI
[6/02/16]								
#P161540597	3	1744	BAY	20	1P2	14:53	15:15	1625 4TH ST #B, NRI
[6/06/16]								
#P161580806	1	911UNK	BAY	20		17:43	17:52	1625 4TH ST #B, NRI
#P161580810	2	5150	BAY	20	1Y4	17:49	18:37	1625 4TH ST #B, NRI

Routing History

Routed By OEST,RUDOLPH		Route Date 04/12/2016	Route Time 14:28:00
Notification Was Sent To The Following Email Addresses			
<ul style="list-style-type: none">• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]• [REDACTED]			
Additional Routing			